

**I\_133\_1755-7**

**133rd General Assembly  
Regular Session  
2019-2020**

**Sub. S. B. No. 246**

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**A BILL**

To amend sections 109.73, 109.77, 109.771, 109.78,	1
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5903.04, 6109.04, and 6111.30; to enact sections 60  
9.79 and 3746.041; and to repeal sections 61  
921.08, 1322.24, 3905.081, 4707.12, and 4757.25 62  
of the Revised Code to require an occupational 63  
licensing authority to issue a license or 64  
government certification to an applicant who 65  
holds a license, government certification, or 66  
private certification or has satisfactory work 67  
experience in another state under certain 68  
circumstances. 69

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

**Section 1.** That sections 109.73, 109.77, 109.771, 109.78, 70  
109.804, 147.01, 147.63, 169.16, 173.21, 173.391, 173.422, 71  
503.41, 715.27, 903.07, 905.321, 917.09, 917.091, 921.06, 72  
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5903.04, 6109.04, and 6111.30 be amended and sections 9.79 and 114  
3746.041 of the Revised Code be enacted to read as follows: 115

**Sec. 9.79.** (A) As used in this section: 116

(1) "License" means an authorization evidenced by a 117  
license, certificate, registration, permit, card, or other 118  
authority that is issued or conferred by a licensing authority 119  
to an individual by which the individual has or claims the 120  
privilege to engage in a profession, occupation, or occupational 121  
activity over which the licensing authority has jurisdiction. 122

(2) "Licensing authority" means a state agency or 123  
political subdivision that issues licenses or government 124  
certifications. 125

(3) "State agency" has the same meaning as in section 1.60 126  
of the Revised Code. 127

(4) "Political subdivision" means a county, township, 128  
municipal corporation, or any other body corporate and politic 129  
that is responsible for government activities in a geographic 130  
area smaller than that of the state. 131

(5) "Out-of-state occupational license" means a license, 132  
certificate, registration, permit, card, or other authority that 133  
is issued or conferred by the government of another state to an 134  
individual by which the individual has or claims the privilege 135  
to engage in a profession, occupation, or occupational activity 136  
over which that state has jurisdiction. 137

(6) (a) "Government certification" means authorization from 138  
a licensing authority or the government of another state to an 139  
individual who meets qualifications related to a profession, 140  
occupation, or occupational activity to which both of the 141  
following apply: 142

(i) Only an individual holding the authorization may use a 143  
specific title or titles when advertising or holding the 144  
individual's self out to engage in the profession, occupation, 145  
or occupational activity. 146

(ii) An individual is not required to have the 147  
authorization to engage in the profession, occupation, or 148  
occupational activity in the respective jurisdiction. 149

(b) "Government certification" does not include a license 150  
or an out-of-state occupational license. 151

(7) "Private certification" means authorization from a 152  
private organization to an individual who meets qualifications 153  
determined by the organization related to the performance of a 154  
profession, occupation, or occupational activity and by which 155  
the individual may hold the individual's self out as certified 156  
by the organization. 157

(8) "National standard" means a standard declared by a 158  
national organization to be the preferred standard for licensure 159  
of a profession if both of the following apply: 160

(a) The standard is required by at least forty-five 161  
states, including this state, to receive a license or government 162  
certification for the respective profession, occupation, or 163  
occupational activity. 164

(b) The standard includes both of the following: 165

(i) A uniform quantitative minimum education or experience 166  
requirement; 167

(ii) A requirement to pass a national examination. 168

(9) "Uniform quantitative minimum education or experience 169  
requirement" means a quantitative minimum education or 170

experience requirement that is identical in all states that 171  
adopt a national standard. 172

(10) "National examination" means an examination that is 173  
substantially similar in all states that adopt a national 174  
standard. 175

(11) "Good standing" means that the individual's out-of- 176  
state occupational license, government certification, or private 177  
certification, as applicable, is not restricted or limited by 178  
the entity that regulates the out-of-state license, government 179  
certification, or private certification. 180

(B) Except as otherwise provided in this section, a 181  
licensing authority shall issue a license or government 182  
certification to an applicant if the licensing authority 183  
determines that all of the following apply: 184

(1) The applicant holds either of the following: 185

(a) A substantially similar out-of-state occupational 186  
license that authorizes the applicant to engage in the same 187  
profession, occupation, or occupational activity as the license 188  
or government certification for which the applicant is applying 189  
in this state; 190

(b) A government certification in the same profession, 191  
occupation, or occupational activity as the license or 192  
government certification for which the applicant is applying in 193  
this state in a state that does not issue an out-of-state 194  
occupational license for the respective profession, occupation, 195  
or occupational activity. 196

(2) (a) Except as provided in division (B) (2) (b) of this 197  
section, the applicant has held the out-of-state occupational 198  
license or government certification for at least one year 199

immediately preceding the date the application is submitted and 200  
has been actively engaged in the practice of the same 201  
profession, occupation, or occupational activity as the license 202  
or government certification for which the applicant is applying 203  
in this state for at least one of the five years immediately 204  
preceding the date the application is submitted. 205

(b) A licensing authority may waive the requirement that 206  
an applicant has held the out-of-state occupational license or 207  
government certification for at least one year immediately 208  
preceding the date the application is submitted and has been 209  
actively engaged in the practice of the profession, occupation, 210  
or occupational activity for one of the five years immediately 211  
preceding the date the application is submitted. 212

(3) The applicant is in good standing in all jurisdictions 213  
in which the applicant holds an out-of-state occupational 214  
license or government certification to practice the same 215  
profession, occupation, or occupational activity for which the 216  
applicant is applying in this state. 217

(4) (a) Except as provided in division (B) (4) (b) of this 218  
section, the applicant was required to satisfy minimum 219  
education, training, or experience requirements or pass an 220  
examination to receive the out-of-state occupational license or 221  
government certification. 222

(b) Division (B) (4) (a) of this section does not apply if 223  
the applicable law governing the license or government 224  
certification for which the applicant is applying in this state 225  
does not require an applicant to do at least one of the 226  
following to receive the license or government certification: 227

(i) Satisfy minimum education, training, or experience 228



<u>requirements;</u>	229
(ii) <u>Pass an examination.</u>	230
(5) <u>The applicant has not surrendered or had revoked a</u>	231
<u>license, out-of-state occupational license, or government</u>	232
<u>certification because of negligence or intentional misconduct</u>	233
<u>related to the applicant's work in the same profession,</u>	234
<u>occupation, or occupational activity for which the applicant is</u>	235
<u>applying in this state.</u>	236
(6) <u>The applicant pays a fee to the licensing authority</u>	237
<u>that is equal to one of the following, as determined by the</u>	238
<u>licensing authority;</u>	239
(a) <u>The renewal fee for license or government</u>	240
<u>certification holders under the applicable law;</u>	241
(b) <u>The initial licensure fee for applicants to be issued</u>	242
<u>the license or government certification under the applicable</u>	243
<u>law;</u>	244
(c) <u>The fee in effect before the effective date of this</u>	245
<u>section for applicants who hold an out-of-state occupational</u>	246
<u>license or government certification to be issued the license or</u>	247
<u>government certification under the applicable law.</u>	248
(7) <u>The applicant has not been convicted of, found guilty</u>	249
<u>pursuant to a judicial finding of, or plead guilty to a criminal</u>	250
<u>offense for which a licensing authority may deny an application</u>	251
<u>for a license or government certification or that would</u>	252
<u>otherwise disqualify the applicant for the license or government</u>	253
<u>certification under the applicable law of this state governing</u>	254
<u>the profession, occupation, or occupational activity for which</u>	255
<u>the applicant is applying.</u>	256

(C) Except as otherwise provided in this section, a 257  
licensing authority shall issue a license or government 258  
certification to an applicant if the licensing authority 259  
determines that all of the following apply: 260

(1) (a) Except as provided in division (C) (1) (b) of this 261  
section, the applicant has held a private certification for at 262  
least two years immediately preceding the date the application 263  
is submitted and has been actively engaged in the same 264  
profession, occupation, or occupational activity as the license 265  
or government certification for which the applicant is applying 266  
in this state in a state that does not issue an out-of-state 267  
occupational license or government certification for the 268  
respective profession, occupation, or occupational activity for 269  
at least two of the five years immediately preceding the date 270  
the application is submitted. 271

(b) A licensing authority may waive the requirement that 272  
an applicant has held the private certification for at least two 273  
years immediately preceding the date the application is 274  
submitted and has been actively engaged in the practice of the 275  
profession, occupation, or occupational activity for two of the 276  
five years immediately preceding the date the application is 277  
submitted. 278

(2) The applicant is in good standing with the private 279  
organization that issued the private certification. 280

(3) The applicant meets the requirements specified under 281  
divisions (B) (5) to (7) of this section. 282

(D) Except as otherwise provided in this section, a 283  
licensing authority shall issue a license or government 284  
certification to an applicant if the licensing authority 285

determines that both of the following apply:

(1) (a) Except as provided in division (D) (1) (b) of this  
section, the applicant has been actively engaged in the same  
profession, occupation, or occupational activity as the license  
or government certification for which the applicant is applying  
in this state in a state that does not issue an out-of-state  
occupational license or government certification for the  
respective profession, occupation, or occupational activity for  
at least three of the five years immediately preceding the date  
the application is submitted.

(b) A licensing authority may waive the requirement that  
an applicant has been actively engaged in the practice of the  
profession, occupation, or occupational activity for three of  
the five years immediately preceding the date the application is  
submitted.

(2) The applicant meets the requirements under divisions  
(B) (5) to (7) of this section.

(E) If a licensing authority requires an applicant to pass  
an examination on this state's laws and rules governing the  
applicable profession, occupation, or occupational activity to  
receive a license or government certification under the  
applicable law, a licensing authority may require an applicant  
to pass the examination to receive a license or government  
certification under this section.

(F) If a licensing authority requires an applicant under  
the law governing the applicable profession, occupation, or  
occupational activity to submit to a criminal records check to  
receive a license or government certification, the licensing  
authority shall require an applicant to submit to the criminal

records check to receive a license or government certification 315  
under this section. 316

(G) If a licensing authority requires an applicant under 317  
the law governing the applicable profession, occupation, or 318  
occupational activity to satisfy a financial responsibility 319  
requirement to receive a license or government certification, 320  
the licensing authority shall require an applicant to satisfy 321  
the requirement to receive a license or government certification 322  
under this section. 323

(H) If an applicant would be disqualified from obtaining a 324  
license or government certification under this section because 325  
of a conviction, judicial finding of guilt, or plea of guilty to 326  
a disqualifying criminal offense as described in division (B) (7) 327  
of this section, the licensing authority may, in accordance with 328  
rules adopted under division (O) of this section, issue a 329  
restricted or limited license or government certification to the 330  
applicant, provided the limitation or restriction is relevant to 331  
the offense. 332

(I) If the law governing the applicable profession, 333  
occupation, or occupational activity allows or requires a 334  
licensing authority to refuse to issue, limit, or restrict a 335  
license or government certification for a reason that is not 336  
related to minimum education, training, or experience 337  
requirements or an examination requirement, the licensing 338  
authority may apply the applicable provision of law to an 339  
applicant under this section. 340

(J) A licensing authority may deny an applicant a license 341  
or government certification under this section if the applicant 342  
was subject to discipline of any kind by an entity that 343  
regulates a license, out-of-state occupational license, or 344

government certification during the five-year period immediately 345  
preceding the date the application is submitted. 346

(K) An applicant who is issued a license or government 347  
certification under this section is subject to the laws 348  
regulating the practice of the applicable occupation or 349  
profession in this state and is subject to the licensing 350  
authority's jurisdiction. 351

(L) An applicant who is issued a license or government 352  
certification under this section may practice the applicable 353  
occupation or profession in this state only within the scope and 354  
practice that is permitted under Ohio law and that does not 355  
exceed the applicant's training. 356

(M) (1) Except as provided in division (M) (2) of this 357  
section, a license or government certification issued under this 358  
section shall be considered a license or government 359  
certification issued under the laws regulating the practice of 360  
the applicable occupation or profession in this state. 361  
Provisions of law applicable to a license or government 362  
certification issued to an applicant who does not obtain a 363  
license or government certification under this section apply in 364  
the same manner to licenses and government certifications issued 365  
under this section. 366

(2) A licensing authority may, for purposes of verifying 367  
licensure status in this state with an entity that licenses the 368  
same profession, occupation, or occupational activity in another 369  
state, require an applicant issued a license or government 370  
certification under this section to satisfy a national standard 371  
to have that license or government certification verified as a 372  
license or government certification issued by this state. A 373  
licensing authority may require satisfaction of a national 374

standard under this division only if both of the following 375  
apply: 376

(a) An applicant for a license or government certification 377  
under the laws of this state governing the profession, 378  
occupation, or occupational activity is required to satisfy the 379  
national standard to receive the license or government 380  
certification. 381

(b) The licensing authority posts notice of the 382  
requirement to satisfy the national standard on the web site 383  
maintained by the licensing authority. 384

(3) If a licensing authority elects to require 385  
satisfaction of a national standard under division (M)(2) of 386  
this section and the law governing the license or government 387  
certification in effect immediately before the effective date of 388  
this section required an applicant who holds an out-of-state 389  
occupational license or government certification to satisfy a 390  
requirement that is less restrictive than a requirement 391  
described in division (B)(2), (3), (4), (5), or (6) of this 392  
section to receive the license or government certification, the 393  
licensing authority shall do the following: 394

(a) Apply the less restrictive requirement to an applicant 395  
who satisfied the national standard; 396

(b) Apply the requirements of this section to an applicant 397  
who did not satisfy the national standard. 398

(N) This section does not apply to any of the following: 399

(1) Licenses issued under Chapter 3796. of the Revised 400  
Code; 401

(2) Licenses issued pursuant to rules prescribed under 402

Section 5 of Article IV, Ohio Constitution; 403

(3) Commercial fishing licenses issued under section 404  
1533.342 of the Revised Code; 405

(4) Licenses issued under Chapter 4506. of the Revised 406  
Code; 407

(5) Physician certificates to recommend treatment with 408  
medical marijuana issued under section 4731.30 of the Revised 409  
Code; 410

(6) Money transmitter licenses issued under section 411  
1315.04 of the Revised Code; 412

(7) Lottery sales agent licenses issued under section 413  
3770.05 of the Revised Code. 414

(O) Each licensing authority shall adopt rules as 415  
necessary to implement this section, including rules regarding 416  
issuing restricted or limited licenses or government 417  
certifications under division (H) of this section. 418

(P) (1) Except as provided in division (P) (2) of this 419  
section, a licensing authority shall provide an applicant with a 420  
written decision to issue or reject a license or government 421  
certification under this section or take any other action under 422  
this section within sixty days after receiving a complete 423  
application. For purposes of this division, an application shall 424  
not be considered complete until any required examination or 425  
criminal records check under divisions (E) and (F) of this 426  
section is complete. 427

(2) If an applicant is the subject of a complaint, 428  
allegation, or investigation that relates to unprofessional 429  
conduct, a violation of a law regulating a profession, 430

occupation, or occupational activity, or an alleged crime 431  
pending before a court, administrative agency, or entity that 432  
regulates a license, out-of-state occupational license, or 433  
government certification, a licensing authority shall not issue 434  
or deny a license or government certification to the applicant 435  
under this section until the complaint, allegation, or 436  
investigation is resolved to the satisfaction of the licensing 437  
authority. A licensing authority shall provide the applicant 438  
with a written decision to issue or reject a license or 439  
government certification under this section or take any other 440  
action under this section within sixty days after the complaint, 441  
allegation, or investigation is resolved to the satisfaction of 442  
the licensing authority. 443

(Q) A political subdivision shall not prohibit an 444  
individual who holds a license or government certification 445  
issued by a state agency under this section from engaging in the 446  
respective profession, occupation, or occupational activity in 447  
the political subdivision's jurisdiction. 448

**Sec. 109.73.** (A) The Ohio peace officer training 449  
commission shall recommend rules to the attorney general with 450  
respect to all of the following: 451

(1) The approval, or revocation of approval, of peace 452  
officer training schools administered by the state, counties, 453  
municipal corporations, public school districts, technical 454  
college districts, and the department of natural resources; 455

(2) Minimum courses of study, attendance requirements, and 456  
equipment and facilities to be required at approved state, 457  
county, municipal, and department of natural resources peace 458  
officer training schools; 459



(3) Minimum qualifications for instructors at approved 460  
state, county, municipal, and department of natural resources 461  
peace officer training schools; 462

(4) The requirements of minimum basic training that peace 463  
officers appointed to probationary terms shall complete before 464  
being eligible for permanent appointment, which requirements 465  
shall include training in the handling of the offense of 466  
domestic violence, other types of domestic violence-related 467  
offenses and incidents, and protection orders and consent 468  
agreements issued or approved under section 2919.26 or 3113.31 469  
of the Revised Code; crisis intervention training; and training 470  
in the handling of missing children and child abuse and neglect 471  
cases; and training in handling violations of section 2905.32 of 472  
the Revised Code; and the time within which such basic training 473  
shall be completed following appointment to a probationary term; 474

(5) The requirements of minimum basic training that peace 475  
officers not appointed for probationary terms but appointed on 476  
other than a permanent basis shall complete in order to be 477  
eligible for continued employment or permanent appointment, 478  
which requirements shall include training in the handling of the 479  
offense of domestic violence, other types of domestic violence- 480  
related offenses and incidents, and protection orders and 481  
consent agreements issued or approved under section 2919.26 or 482  
3113.31 of the Revised Code, crisis intervention training, and 483  
training in the handling of missing children and child abuse and 484  
neglect cases, and training in handling violations of section 485  
2905.32 of the Revised Code, and the time within which such 486  
basic training shall be completed following appointment on other 487  
than a permanent basis; 488

(6) Categories or classifications of advanced in-service 489

training programs for peace officers, including programs in the 490  
handling of the offense of domestic violence, other types of 491  
domestic violence-related offenses and incidents, and protection 492  
orders and consent agreements issued or approved under section 493  
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 494  
and in the handling of missing children and child abuse and 495  
neglect cases, and in handling violations of section 2905.32 of 496  
the Revised Code, and minimum courses of study and attendance 497  
requirements with respect to such categories or classifications; 498

(7) Permitting persons, who are employed as members of a 499  
campus police department appointed under section 1713.50 of the 500  
Revised Code; who are employed as police officers by a qualified 501  
nonprofit corporation police department pursuant to section 502  
1702.80 of the Revised Code; who are appointed and commissioned 503  
as bank, savings and loan association, savings bank, credit 504  
union, or association of banks, savings and loan associations, 505  
savings banks, or credit unions police officers, as railroad 506  
police officers, or as hospital police officers pursuant to 507  
sections 4973.17 to 4973.22 of the Revised Code; or who are 508  
appointed and commissioned as amusement park police officers 509  
pursuant to section 4973.17 of the Revised Code, to attend 510  
approved peace officer training schools, including the Ohio 511  
peace officer training academy, and to receive certificates of 512  
satisfactory completion of basic training programs, if the 513  
private college or university that established the campus police 514  
department; qualified nonprofit corporation police department; 515  
bank, savings and loan association, savings bank, credit union, 516  
or association of banks, savings and loan associations, savings 517  
banks, or credit unions; railroad company; hospital; or 518  
amusement park sponsoring the police officers pays the entire 519  
cost of the training and certification and if trainee vacancies 520

are available; 521

(8) Permitting undercover drug agents to attend approved 522  
peace officer training schools, other than the Ohio peace 523  
officer training academy, and to receive certificates of 524  
satisfactory completion of basic training programs, if, for each 525  
undercover drug agent, the county, township, or municipal 526  
corporation that employs that undercover drug agent pays the 527  
entire cost of the training and certification; 528

(9) (a) The requirements for basic training programs for 529  
bailiffs and deputy bailiffs of courts of record of this state 530  
and for criminal investigators employed by the state public 531  
defender that those persons shall complete before they may carry 532  
a firearm while on duty; 533

(b) The requirements for any training received by a 534  
bailiff or deputy bailiff of a court of record of this state or 535  
by a criminal investigator employed by the state public defender 536  
prior to June 6, 1986, that is to be considered equivalent to 537  
the training described in division (A) (9) (a) of this section. 538

(10) Establishing minimum qualifications and requirements 539  
for certification for dogs utilized by law enforcement agencies; 540

(11) Establishing minimum requirements for certification 541  
of persons who are employed as correction officers in a full- 542  
service jail, five-day facility, or eight-hour holding facility 543  
or who provide correction services in such a jail or facility; 544

(12) Establishing requirements for the training of agents 545  
of a county humane society under section 1717.06 of the Revised 546  
Code, including, without limitation, a requirement that the 547  
agents receive instruction on traditional animal husbandry 548  
methods and training techniques, including customary owner- 549

performed practices; 550

(13) Permitting tactical medical professionals to attend 551  
approved peace officer training schools, including the Ohio 552  
peace officer training academy, to receive training of the type 553  
described in division (A) (14) of this section and to receive 554  
certificates of satisfactory completion of training programs 555  
described in that division; 556

(14) The requirements for training programs that tactical 557  
medical professionals shall complete to qualify them to carry 558  
firearms while on duty under section 109.771 of the Revised 559  
Code, which requirements shall include at least the firearms 560  
training specified in division (A) of section 109.748 of the 561  
Revised Code. 562

(B) The commission shall appoint an executive director, 563  
with the approval of the attorney general, who shall hold office 564  
during the pleasure of the commission. The executive director 565  
shall perform such duties assigned by the commission. The 566  
executive director shall receive a salary fixed pursuant to 567  
Chapter 124. of the Revised Code and reimbursement for expenses 568  
within the amounts available by appropriation. The executive 569  
director may appoint officers, employees, agents, and 570  
consultants as the executive director considers necessary, 571  
prescribe their duties, and provide for reimbursement of their 572  
expenses within the amounts available for reimbursement by 573  
appropriation and with the approval of the commission. 574

(C) The commission may do all of the following: 575

(1) Recommend studies, surveys, and reports to be made by 576  
the executive director regarding the carrying out of the 577  
objectives and purposes of sections 109.71 to 109.77 of the 578

Revised Code; 579

(2) Visit and inspect any peace officer training school 580  
that has been approved by the executive director or for which 581  
application for approval has been made; 582

(3) Make recommendations, from time to time, to the 583  
executive director, the attorney general, and the general 584  
assembly regarding the carrying out of the purposes of sections 585  
109.71 to 109.77 of the Revised Code; 586

(4) Report to the attorney general from time to time, and 587  
to the governor and the general assembly at least annually, 588  
concerning the activities of the commission; 589

(5) Establish fees for the services the commission offers 590  
under sections 109.71 to 109.79 of the Revised Code, including, 591  
but not limited to, fees for training, certification, and 592  
testing; 593

(6) Perform such other acts as are necessary or 594  
appropriate to carry out the powers and duties of the commission 595  
as set forth in sections 109.71 to 109.77 of the Revised Code. 596

(D) In establishing the requirements, under division (A) 597  
(12) of this section, the commission may consider any portions 598  
of the curriculum for instruction on the topic of animal 599  
husbandry practices, if any, of the Ohio state university 600  
college of veterinary medicine. No person or entity that fails 601  
to provide instruction on traditional animal husbandry methods 602  
and training techniques, including customary owner-performed 603  
practices, shall qualify to train a humane agent for appointment 604  
under section 1717.06 of the Revised Code. 605

(E) (1) As used in this division, "license" has the same 606  
meaning as in section 9.79 of the Revised Code, except that it 607

includes a certificate of completion of a training program 608  
required under sections 109.71 to 109.804 of the Revised Code. 609  
"License" does not include a certificate of completion of a 610  
firearm basic training program under division (B)(1) of section 611  
109.78 of the Revised Code or a certificate of completion of any 612  
firearm requalification training program. 613

(2) Notwithstanding any requirement for a license issued 614  
by the commission, the commission shall issue a license in 615  
accordance with section 9.79 of the Revised Code to an 616  
individual if either of the following applies: 617

(a) The individual holds a license in another state . 618

(b) The individual has satisfactory work experience, a 619  
government certification, or a private certification as 620  
described in that section in the same profession, occupation, or 621  
occupational activity as the profession, occupation, or 622  
occupational activity for which the license is required in this 623  
state in a state that does not require such a license. 624

**Sec. 109.77.** (A) As used in this section: 625

(1) "Felony" has the same meaning as in section 109.511 of 626  
the Revised Code. 627

(2) "Companion animal" has the same meaning as in section 628  
959.131 of the Revised Code. 629

(B) (1) Notwithstanding any general, special, or local law 630  
or charter to the contrary, and except as otherwise provided in 631  
this section, no person shall receive an original appointment on 632  
a permanent basis as any of the following unless the person 633  
previously has been awarded a certificate by the executive 634  
director of the Ohio peace officer training commission attesting 635  
to the person's satisfactory completion of an approved state, 636

county, municipal, or department of natural resources peace 637  
officer basic training program: 638

(a) A peace officer of any county, township, municipal 639  
corporation, regional transit authority, or metropolitan housing 640  
authority; 641

(b) A natural resources law enforcement staff officer, 642  
forest-fire investigator, wildlife officer, or natural resources 643  
officer of the department of natural resources; 644

(c) An employee of a park district under section 511.232 645  
or 1545.13 of the Revised Code; 646

(d) An employee of a conservancy district who is 647  
designated pursuant to section 6101.75 of the Revised Code; 648

(e) A state university law enforcement officer; 649

(f) A special police officer employed by the department of 650  
mental health and addiction services pursuant to section 5119.08 651  
of the Revised Code or the department of developmental 652  
disabilities pursuant to section 5123.13 of the Revised Code; 653

(g) An enforcement agent of the department of public 654  
safety whom the director of public safety designates under 655  
section 5502.14 of the Revised Code; 656

(h) A special police officer employed by a port authority 657  
under section 4582.04 or 4582.28 of the Revised Code; 658

(i) A special police officer employed by a municipal 659  
corporation at a municipal airport, or other municipal air 660  
navigation facility, that has scheduled operations, as defined 661  
in section 119.3 of Title 14 of the Code of Federal Regulations, 662  
14 C.F.R. 119.3, as amended, and that is required to be under a 663  
security program and is governed by aviation security rules of 664

the transportation security administration of the United States 665  
department of transportation as provided in Parts 1542. and 666  
1544. of Title 49 of the Code of Federal Regulations, as 667  
amended; 668

(j) A gaming agent employed under section 3772.03 of the 669  
Revised Code. 670

(2) Every person who is appointed on a temporary basis or 671  
for a probationary term or on other than a permanent basis as 672  
any of the following shall forfeit the appointed position unless 673  
the person previously has completed satisfactorily or, within 674  
the time prescribed by rules adopted by the attorney general 675  
pursuant to section 109.74 of the Revised Code, satisfactorily 676  
completes a state, county, municipal, or department of natural 677  
resources peace officer basic training program for temporary or 678  
probationary officers and is awarded a certificate by the 679  
director attesting to the satisfactory completion of the 680  
program: 681

(a) A peace officer of any county, township, municipal 682  
corporation, regional transit authority, or metropolitan housing 683  
authority; 684

(b) A natural resources law enforcement staff officer, 685  
park officer, forest officer, preserve officer, wildlife 686  
officer, or state watercraft officer of the department of 687  
natural resources; 688

(c) An employee of a park district under section 511.232 689  
or 1545.13 of the Revised Code; 690

(d) An employee of a conservancy district who is 691  
designated pursuant to section 6101.75 of the Revised Code; 692

(e) A special police officer employed by the department of 693



mental health and addiction services pursuant to section 5119.08 694  
of the Revised Code or the department of developmental 695  
disabilities pursuant to section 5123.13 of the Revised Code; 696

(f) An enforcement agent of the department of public 697  
safety whom the director of public safety designates under 698  
section 5502.14 of the Revised Code; 699

(g) A special police officer employed by a port authority 700  
under section 4582.04 or 4582.28 of the Revised Code; 701

(h) A special police officer employed by a municipal 702  
corporation at a municipal airport, or other municipal air 703  
navigation facility, that has scheduled operations, as defined 704  
in section 119.3 of Title 14 of the Code of Federal Regulations, 705  
14 C.F.R. 119.3, as amended, and that is required to be under a 706  
security program and is governed by aviation security rules of 707  
the transportation security administration of the United States 708  
department of transportation as provided in Parts 1542. and 709  
1544. of Title 49 of the Code of Federal Regulations, as 710  
amended. 711

(3) For purposes of division (B) of this section, a state, 712  
county, municipal, or department of natural resources peace 713  
officer basic training program, regardless of whether the 714  
program is to be completed by peace officers appointed on a 715  
permanent or temporary, probationary, or other nonpermanent 716  
basis, shall include training in the handling of the offense of 717  
domestic violence, other types of domestic violence-related 718  
offenses and incidents, protection orders and consent agreements 719  
issued or approved under section 2919.26 or 3113.31 of the 720  
Revised Code, crisis intervention training, and training on 721  
companion animal encounters and companion animal behavior. The 722  
requirement to complete training in the handling of the offense 723

of domestic violence, other types of domestic violence-related 724  
offenses and incidents, and protection orders and consent 725  
agreements issued or approved under section 2919.26 or 3113.31 726  
of the Revised Code does not apply to any person serving as a 727  
peace officer on March 27, 1979, and the requirement to complete 728  
training in crisis intervention does not apply to any person 729  
serving as a peace officer on April 4, 1985. Any person who is 730  
serving as a peace officer on April 4, 1985, who terminates that 731  
employment after that date, and who subsequently is hired as a 732  
peace officer by the same or another law enforcement agency 733  
shall complete training in crisis intervention as prescribed by 734  
rules adopted by the attorney general pursuant to section 735  
109.742 of the Revised Code. No peace officer shall have 736  
employment as a peace officer terminated and then be reinstated 737  
with intent to circumvent this section. 738

(4) Division (B) of this section does not apply to any 739  
person serving on a permanent basis on March 28, 1985, as a park 740  
officer, forest officer, preserve officer, wildlife officer, or 741  
state watercraft officer of the department of natural resources 742  
or as an employee of a park district under section 511.232 or 743  
1545.13 of the Revised Code, to any person serving on a 744  
permanent basis on March 6, 1986, as an employee of a 745  
conservancy district designated pursuant to section 6101.75 of 746  
the Revised Code, to any person serving on a permanent basis on 747  
January 10, 1991, as a preserve officer of the department of 748  
natural resources, to any person employed on a permanent basis 749  
on July 2, 1992, as a special police officer by the department 750  
of mental health and addiction services pursuant to section 751  
5119.08 of the Revised Code or by the department of 752  
developmental disabilities pursuant to section 5123.13 of the 753  
Revised Code, to any person serving on a permanent basis on May 754

17, 2000, as a special police officer employed by a port 755  
authority under section 4582.04 or 4582.28 of the Revised Code, 756  
to any person serving on a permanent basis on March 19, 2003, as 757  
a special police officer employed by a municipal corporation at 758  
a municipal airport or other municipal air navigation facility 759  
described in division (A)(19) of section 109.71 of the Revised 760  
Code, to any person serving on a permanent basis on June 19, 761  
1978, as a state university law enforcement officer pursuant to 762  
section 3345.04 of the Revised Code and who, immediately prior 763  
to June 19, 1978, was serving as a special police officer 764  
designated under authority of that section, or to any person 765  
serving on a permanent basis on September 20, 1984, as a liquor 766  
control investigator, known after June 30, 1999, as an 767  
enforcement agent of the department of public safety, engaged in 768  
the enforcement of Chapters 4301. and 4303. of the Revised Code. 769

(5) Division (B) of this section does not apply to any 770  
person who is appointed as a regional transit authority police 771  
officer pursuant to division (Y) of section 306.35 of the 772  
Revised Code if, on or before July 1, 1996, the person has 773  
completed satisfactorily an approved state, county, municipal, 774  
or department of natural resources peace officer basic training 775  
program and has been awarded a certificate by the executive 776  
director of the Ohio peace officer training commission attesting 777  
to the person's satisfactory completion of such an approved 778  
program and if, on July 1, 1996, the person is performing peace 779  
officer functions for a regional transit authority. 780

(C) No person, after September 20, 1984, shall receive an 781  
original appointment on a permanent basis as a veterans' home 782  
police officer designated under section 5907.02 of the Revised 783  
Code unless the person previously has been awarded a certificate 784  
by the executive director of the Ohio peace officer training 785

commission attesting to the person's satisfactory completion of 786  
an approved police officer basic training program. Every person 787  
who is appointed on a temporary basis or for a probationary term 788  
or on other than a permanent basis as a veterans' home police 789  
officer designated under section 5907.02 of the Revised Code 790  
shall forfeit that position unless the person previously has 791  
completed satisfactorily or, within one year from the time of 792  
appointment, satisfactorily completes an approved police officer 793  
basic training program. 794

(D) No bailiff or deputy bailiff of a court of record of 795  
this state and no criminal investigator who is employed by the 796  
state public defender shall carry a firearm, as defined in 797  
section 2923.11 of the Revised Code, while on duty unless the 798  
bailiff, deputy bailiff, or criminal investigator has done or 799  
received one of the following: 800

(1) Has been awarded a certificate by the executive 801  
director of the Ohio peace officer training commission, which 802  
certificate attests to satisfactory completion of an approved 803  
state, county, or municipal basic training program for bailiffs 804  
and deputy bailiffs of courts of record and for criminal 805  
investigators employed by the state public defender that has 806  
been recommended by the Ohio peace officer training commission; 807

(2) Has successfully completed a firearms training program 808  
approved by the Ohio peace officer training commission prior to 809  
employment as a bailiff, deputy bailiff, or criminal 810  
investigator; 811

(3) Prior to June 6, 1986, was authorized to carry a 812  
firearm by the court that employed the bailiff or deputy bailiff 813  
or, in the case of a criminal investigator, by the state public 814  
defender and has received training in the use of firearms that 815

the Ohio peace officer training commission determines is 816  
equivalent to the training that otherwise is required by 817  
division (D) of this section. 818

(E) (1) Before a person seeking a certificate completes an 819  
approved peace officer basic training program, the executive 820  
director of the Ohio peace officer training commission shall 821  
request the person to disclose, and the person shall disclose, 822  
any previous criminal conviction of or plea of guilty of that 823  
person to a felony. 824

(2) Before a person seeking a certificate completes an 825  
approved peace officer basic training program, the executive 826  
director shall request a criminal history records check on the 827  
person. The executive director shall submit the person's 828  
fingerprints to the bureau of criminal identification and 829  
investigation, which shall submit the fingerprints to the 830  
federal bureau of investigation for a national criminal history 831  
records check. 832

Upon receipt of the executive director's request, the 833  
bureau of criminal identification and investigation and the 834  
federal bureau of investigation shall conduct a criminal history 835  
records check on the person and, upon completion of the check, 836  
shall provide a copy of the criminal history records check to 837  
the executive director. The executive director shall not award 838  
any certificate prescribed in this section unless the executive 839  
director has received a copy of the criminal history records 840  
check on the person to whom the certificate is to be awarded. 841

(3) The executive director of the commission shall not 842  
award a certificate prescribed in this section to a person who 843  
has been convicted of or has pleaded guilty to a felony or who 844  
fails to disclose any previous criminal conviction of or plea of 845

guilty to a felony as required under division (E) (1) of this 846  
section. 847

(4) The executive director of the commission shall revoke 848  
the certificate awarded to a person as prescribed in this 849  
section, and that person shall forfeit all of the benefits 850  
derived from being certified as a peace officer under this 851  
section, if the person, before completion of an approved peace 852  
officer basic training program, failed to disclose any previous 853  
criminal conviction of or plea of guilty to a felony as required 854  
under division (E) (1) of this section. 855

(F) (1) Regardless of whether the person has been awarded 856  
the certificate or has been classified as a peace officer prior 857  
to, on, or after October 16, 1996, the executive director of the 858  
Ohio peace officer training commission shall revoke any 859  
certificate that has been awarded to a person as prescribed in 860  
this section if the person does either of the following: 861

(a) Pleads guilty to a felony committed on or after 862  
January 1, 1997; 863

(b) Pleads guilty to a misdemeanor committed on or after 864  
January 1, 1997, pursuant to a negotiated plea agreement as 865  
provided in division (D) of section 2929.43 of the Revised Code 866  
in which the person agrees to surrender the certificate awarded 867  
to the person under this section. 868

(2) The executive director of the commission shall suspend 869  
any certificate that has been awarded to a person as prescribed 870  
in this section if the person is convicted, after trial, of a 871  
felony committed on or after January 1, 1997. The executive 872  
director shall suspend the certificate pursuant to division (F) 873  
(2) of this section pending the outcome of an appeal by the 874

person from that conviction to the highest court to which the  
appeal is taken or until the expiration of the period in which  
an appeal is required to be filed. If the person files an appeal  
that results in that person's acquittal of the felony or  
conviction of a misdemeanor, or in the dismissal of the felony  
charge against that person, the executive director shall  
reinstate the certificate awarded to the person under this  
section. If the person files an appeal from that person's  
conviction of the felony and the conviction is upheld by the  
highest court to which the appeal is taken or if the person does  
not file a timely appeal, the executive director shall revoke  
the certificate awarded to the person under this section.

(G) (1) If a person is awarded a certificate under this  
section and the certificate is revoked pursuant to division (E)  
(4) or (F) of this section, the person shall not be eligible to  
receive, at any time, a certificate attesting to the person's  
satisfactory completion of a peace officer basic training  
program.

(2) The revocation or suspension of a certificate under  
division (E) (4) or (F) of this section shall be in accordance  
with Chapter 119. of the Revised Code.

(H) (1) A person who was employed as a peace officer of a  
county, township, or municipal corporation of the state on  
January 1, 1966, and who has completed at least sixteen years of  
full-time active service as such a peace officer, or equivalent  
service as determined by the executive director of the Ohio  
peace officer training commission, may receive an original  
appointment on a permanent basis and serve as a peace officer of  
a county, township, or municipal corporation, or as a state  
university law enforcement officer, without complying with the

requirements of division (B) of this section. 905

(2) Any person who held an appointment as a state highway 906  
trooper on January 1, 1966, may receive an original appointment 907  
on a permanent basis and serve as a peace officer of a county, 908  
township, or municipal corporation, or as a state university law 909  
enforcement officer, without complying with the requirements of 910  
division (B) of this section. 911

(I) No person who is appointed as a peace officer of a 912  
county, township, or municipal corporation on or after April 9, 913  
1985, shall serve as a peace officer of that county, township, 914  
or municipal corporation unless the person has received training 915  
in the handling of missing children and child abuse and neglect 916  
cases from an approved state, county, township, or municipal 917  
police officer basic training program or receives the training 918  
within the time prescribed by rules adopted by the attorney 919  
general pursuant to section 109.741 of the Revised Code. 920

(J) No part of any approved state, county, or municipal 921  
basic training program for bailiffs and deputy bailiffs of 922  
courts of record and no part of any approved state, county, or 923  
municipal basic training program for criminal investigators 924  
employed by the state public defender shall be used as credit 925  
toward the completion by a peace officer of any part of the 926  
approved state, county, or municipal peace officer basic 927  
training program that the peace officer is required by this 928  
section to complete satisfactorily. 929

(K) This section does not apply to any member of the 930  
police department of a municipal corporation in an adjoining 931  
state serving in this state under a contract pursuant to section 932  
737.04 of the Revised Code. 933



(L) The executive director of the commission shall issue a 934  
certificate of completion of a training program required under 935  
this section in accordance with section 9.79 of the Revised Code 936  
to an individual if either of the following applies: 937

(1) The individual holds a certificate of completion of 938  
such a program in another state. 939

(2) The individual has satisfactory work experience, a 940  
government certification, or a private certification as 941  
described in that section in the same profession, occupation, or 942  
occupational activity as the profession, occupation, or 943  
occupational activity for which the certificate is required in 944  
this state in a state that does not require completion of such a 945  
training program. 946

**Sec. 109.771.** (A) A tactical medical professional may 947  
carry firearms while on duty in the same manner, to the same 948  
extent, and in the same areas as a law enforcement officer of 949  
the law enforcement agency the professional is serving, if all 950  
of the following apply: 951

(1) The law enforcement agency that the tactical medical 952  
professional is serving has specifically authorized the 953  
professional to carry firearms while on duty. 954

(2) The tactical medical professional has done or received 955  
one of the following: 956

(a) The professional has been awarded a certificate by the 957  
executive director of the Ohio peace officer training 958  
commission, which certificate attests to satisfactory completion 959  
of an approved state, county, or municipal basic training 960  
program or a program at the Ohio peace officer training academy 961  
that qualifies the professional to carry firearms while on duty 962

and that conforms to the rules adopted under section 109.748 of  
the Revised Code.

(b) Prior to or during employment as a tactical medical  
professional and prior to ~~the effective date of this section~~  
June 1, 2018, the professional has successfully completed a  
firearms training program, other than one described in division  
(A) (2) (a) of this section, that was approved by the Ohio peace  
officer training commission.

(B) A tactical medical professional to whom division (A)  
of this section applies and who is carrying one or more firearms  
under authority of that division has protection from potential  
civil or criminal liability for any conduct occurring while  
carrying the firearm or firearms to the same extent as a law  
enforcement officer of the law enforcement agency the  
professional is serving has such protection.

(C) The executive director of the commission shall issue a  
certificate of completion of a training program required under  
this section in accordance with section 9.79 of the Revised Code  
to an individual if either of the following applies:

(1) The individual holds a certificate of completion of  
such a program in another state.

(2) The individual has satisfactory work experience, a  
government certification, or a private certification as  
described in that section as a tactical medical professional who  
carries a firearm while on duty in a state that does not require  
completion of such a training program.

**Sec. 109.78.** (A) The executive director of the Ohio peace  
officer training commission, on behalf of the commission and in  
accordance with rules promulgated by the attorney general, shall

certify persons who have satisfactorily completed approved 992  
training programs designed to qualify persons for positions as 993  
special police, security guards, or persons otherwise privately 994  
employed in a police capacity and issue appropriate certificates 995  
to such persons. Application for approval of a training program 996  
designed to qualify persons for such positions shall be made to 997  
the commission. An application for approval shall be submitted 998  
to the commission with a fee of one hundred twenty-five dollars, 999  
which fee shall be refunded if the application is denied. Such 1000  
programs shall cover only duties and jurisdiction of such 1001  
security guards and special police privately employed in a 1002  
police capacity when such officers do not qualify for training 1003  
under section 109.71 of the Revised Code. A person attending an 1004  
approved basic training program administered by the state shall 1005  
pay to the agency administering the program the cost of the 1006  
person's participation in the program as determined by the 1007  
agency. A person attending an approved basic training program 1008  
administered by a county or municipal corporation shall pay the 1009  
cost of the person's participation in the program, as determined 1010  
by the administering subdivision, to the county or the municipal 1011  
corporation. A person who is issued a certificate for 1012  
satisfactory completion of an approved basic training program 1013  
shall pay to the commission a fee of fifteen dollars. A 1014  
duplicate of a lost, spoliated, or destroyed certificate may be 1015  
issued upon application and payment of a fee of fifteen dollars. 1016  
Such certificate or the completion of twenty years of active 1017  
duty as a peace officer shall satisfy the educational 1018  
requirements for appointment or commission as a special police 1019  
officer or special deputy of a political subdivision of this 1020  
state. 1021

(B) (1) The executive director of the Ohio peace officer 1022

training commission, on behalf of the commission and in 1023  
accordance with rules promulgated by the attorney general, shall 1024  
certify basic firearms training programs, and shall issue 1025  
certificates to class A, B, or C licensees or prospective class 1026  
A, B, or C licensees under Chapter 4749. of the Revised Code and 1027  
to registered or prospective employees of such class A, B, or C 1028  
licensees who have satisfactorily completed a basic firearms 1029  
training program of the type described in division (A)(1) of 1030  
section 4749.10 of the Revised Code. 1031

Application for approval of a basic firearms training 1032  
program shall be made to the commission. An application shall be 1033  
submitted to the commission with a fee of one hundred dollars, 1034  
which fee shall be refunded if the application is denied. 1035

A person who is issued a certificate for satisfactory 1036  
completion of an approved basic firearms training program shall 1037  
pay a fee of ten dollars to the commission. A duplicate of a 1038  
lost, spoliated, or destroyed certificate may be issued upon 1039  
application and payment of a fee of five dollars. 1040

(2) The executive director, on behalf of the commission 1041  
and in accordance with rules promulgated by the attorney 1042  
general, also shall certify firearms requalification training 1043  
programs and instructors for the annual requalification of class 1044  
A, B, or C licensees under Chapter 4749. of the Revised Code and 1045  
registered or prospective employees of such class A, B, or C 1046  
licensees who are authorized to carry a firearm under section 1047  
4749.10 of the Revised Code. Application for approval of a 1048  
training program or instructor for such purpose shall be made to 1049  
the commission. Such an application shall be submitted to the 1050  
commission with a fee of fifty dollars, which fee shall be 1051  
refunded if the application is denied. 1052

(3) The executive director, upon request, also shall 1053  
review firearms training received within three years prior to 1054  
November 23, 1985, by any class A, B, or C licensee or 1055  
prospective class A, B, or C licensee, or by any registered or 1056  
prospective employee of any class A, B, or C licensee under 1057  
Chapter 4749. of the Revised Code to determine if the training 1058  
received is equivalent to a basic firearms training program that 1059  
includes twenty hours of handgun training and five hours of 1060  
training in the use of other firearms, if any other firearm is 1061  
to be used. If the executive director determines the training 1062  
was received within the three-year period and that it is 1063  
equivalent to such a program, the executive director shall issue 1064  
written evidence of approval of the equivalency training to the 1065  
licensee or employee. 1066

(C) There is hereby established in the state treasury the 1067  
peace officer private security fund, which shall be used by the 1068  
Ohio peace officer training commission to administer the 1069  
training program to qualify persons for positions as special 1070  
police, security guards, or other private employment in a police 1071  
capacity, as described in division (A) of this section, and the 1072  
training program in basic firearms and the training program for 1073  
firearms requalification, both as described in division (B) of 1074  
this section. All fees paid to the commission by applicants for 1075  
approval of a training program designed to qualify persons for 1076  
such private police positions, basic firearms training program, 1077  
or a firearms requalification training program or instructor, as 1078  
required by division (A) or (B) of this section, by persons who 1079  
satisfactorily complete a private police training program or a 1080  
basic firearms training program, as required by division (A) or 1081  
(B) of this section, or by persons who satisfactorily requalify 1082  
in firearms use, as required by division (B) (2) of section 1083

4749.10 of the Revised Code, shall be transmitted to the 1084  
treasurer of state for deposit in the fund. The fund shall be 1085  
used only for the purpose set forth in this division. 1086

(D) No public or private educational institution or 1087  
superintendent of the state highway patrol shall employ a person 1088  
as a special police officer, security guard, or other position 1089  
in which such person goes armed while on duty, who has not 1090  
received a certificate of having satisfactorily completed an 1091  
approved basic peace officer training program, unless the person 1092  
has completed twenty years of active duty as a peace officer. 1093

(E) The executive director of the commission shall issue a 1094  
certificate of completion of a training program required under 1095  
division (A) of this section in accordance with section 9.76 of 1096  
the Revised Code to an individual if either of the following 1097  
applies: 1098

(1) The individual holds a certificate of completion of 1099  
such a program in another state. 1100

(2) The individual has satisfactory work experience, a 1101  
government certification, or a private certification as 1102  
described in that section in the same profession, occupation, or 1103  
occupational activity as the profession, occupation, or 1104  
occupational activity for which the certificate is required in 1105  
this state in a state that does not require completion of such a 1106  
training program. 1107

**Sec. 109.804.** (A) (1) The Ohio peace officer training 1108  
commission shall develop and conduct a chief of police training 1109  
course lasting forty hours for newly appointed chiefs of police 1110  
appointed on or after January 1, 2018. The commission shall 1111  
determine the course topics, which shall include diversity 1112

training with an emphasis on historical perspectives and 1113  
community-police relations, and shall establish criteria for 1114  
what constitutes successful completion of the course. The 1115  
commission shall conduct the course at the Ohio peace officer 1116  
training academy and shall offer the course at least 1117  
semiannually. 1118

(2) The executive director of the commission shall issue a 1119  
certificate of completion of a training program required under 1120  
this section in accordance with section 9.79 of the Revised Code 1121  
to a newly appointed chief of police if either of the following 1122  
applies: 1123

(a) The person holds a certificate of completion of such a 1124  
program in another state. 1125

(b) The person has satisfactory work experience, a 1126  
government certification, or a private certification as 1127  
described in that section as a chief of police in a state that 1128  
does not require completion of such a training program. 1129

(B) A newly appointed chief of police may request an 1130  
equivalency exemption from a portion of the forty hours of the 1131  
chief of police training course by submitting to the Ohio peace 1132  
officer training commission, not more than ten calendar days 1133  
following the person's appointment as a chief of police, 1134  
evidence of training or qualification in the subject area of the 1135  
exempted portion. 1136

(C) Upon presentation of evidence by a newly appointed 1137  
chief of police that because of a medical disability or other 1138  
good cause the newly appointed chief of police is unable to 1139  
complete the chief of police training course, the Ohio peace 1140  
officer training commission may defer the requirement for the 1141

newly appointed chief of police to complete the chief of police 1142  
training course until the disability or cause terminates. 1143

(D) A newly appointed chief of police appointed on or 1144  
after January 1, 2018, shall attend a chief of police training 1145  
course conducted by the Ohio peace officer training commission 1146  
pursuant to division (A) of this section not later than six 1147  
months after the person's appointment as a chief of police. 1148  
While attending the chief of police training course, a newly 1149  
appointed chief of police shall receive compensation in the same 1150  
manner and amounts as if carrying out the powers and duties of 1151  
the office of chief of police. The costs of conducting the chief 1152  
of police training course shall be paid from state funds 1153  
appropriated to the attorney general. The cost of meals, 1154  
lodging, and travel of a newly appointed chief of police 1155  
attending the chief of police training course shall be paid from 1156  
the budget of the entity for which the newly appointed chief of 1157  
police was appointed. 1158

(E) As used in this section: 1159

"Newly appointed chief of police" means a person appointed 1160  
chief of police under section 505.49, 737.05, or 737.15 of the 1161  
Revised Code or any administrative official that is responsible 1162  
for the daily administration and supervision of peace officers 1163  
in a law enforcement agency who did not hold the office of chief 1164  
of police on the date the person was appointed chief of police. 1165

"Law enforcement agency" means a municipal or township 1166  
police department, or any other entity authorized by statute to 1167  
appoint peace officers to enforce criminal laws and who have the 1168  
statutory power of arrest. "Law enforcement agency" does not 1169  
include a county sheriff's office, the state highway patrol, or 1170  
the bureau of criminal identification and investigation. 1171



**Sec. 147.01.** (A) The secretary of state may appoint and 1172  
commission as notaries public as many persons who meet the 1173  
qualifications of division (B) of this section as the secretary 1174  
of state considers necessary. 1175

(B) In order for a person to qualify to be appointed and 1176  
commissioned as a notary public, except as provided in division 1177  
(F) of this section, the person shall demonstrate to the 1178  
secretary of state that the person satisfies all of the 1179  
following: 1180

(1) The person has attained the age of eighteen years. 1181

(2) (a) Except as provided in division (B) (2) (b) of this 1182  
section, the person is a legal resident of this state. 1183

(b) The person is not a legal resident of this state, but 1184  
is an attorney admitted to the practice of law in this state by 1185  
the Ohio supreme court, and has the person's principal place of 1186  
business or the person's primary practice in this state. 1187

(3) (a) Except as provided in division (B) (3) (b) of this 1188  
section, the person has submitted a criminal records check 1189  
report completed within the preceding six months in accordance 1190  
with section 147.022 of the Revised Code demonstrating that the 1191  
applicant has not been convicted of or pleaded guilty or no 1192  
contest to a disqualifying offense, or any offense under an 1193  
existing or former law of this state, any other state, or the 1194  
United States that is substantially equivalent to such a 1195  
disqualifying offense. 1196

(b) An attorney admitted to the practice of law in this 1197  
state shall not be required to submit a criminal records check 1198  
when applying to be appointed a notary public. 1199

(4) (a) Except as provided in divisions (B) (4) (b) and (c) 1200

of this section, the person has successfully completed an 1201  
educational program and passed a test administered by the 1202  
entities authorized by the secretary of state as required under 1203  
section 147.021 of the Revised Code. 1204

(b) An attorney who is commissioned as a notary public in 1205  
this state prior to ~~the effective date of this amendment~~ 1206  
September 20, 2019, shall not be required to complete an 1207  
education program or pass a test as required in division (B) (4) 1208  
(a) of this section. 1209

(c) Any attorney who applies to become commissioned as a 1210  
notary public in this state after ~~the effective date of this~~ 1211  
~~amendment~~ September 20, 2019, shall not be required to pass a 1212  
test as required in division (B) (4) (a) of this section, but 1213  
shall be required to complete an education program required by 1214  
that division. 1215

(C) A notary public shall be appointed and commissioned as 1216  
a notary public for the state. The secretary of state may revoke 1217  
a commission issued to a notary public upon presentation of 1218  
satisfactory evidence of official misconduct or incapacity. 1219

(D) The secretary of state shall oversee the processing of 1220  
notary public applications and shall issue all notary public 1221  
commissions. The secretary of state shall oversee the creation 1222  
and maintenance of the online database of notaries public 1223  
commissioned in this state pursuant to section 147.051 of the 1224  
Revised Code. The secretary of state may perform all other 1225  
duties as required by this section. The entities authorized by 1226  
the secretary of state pursuant to section 147.021 or 147.63 of 1227  
the Revised Code shall administer the educational program and 1228  
required test or course of instruction and examination, as 1229  
applicable. 1230

(E) All submissions to the secretary of state for 1231  
receiving and renewing commissions, or notifications made under 1232  
section 147.05 of the Revised Code, shall be done 1233  
electronically. 1234

(F) The secretary of state shall appoint and commission as 1235  
a notary public for the state an applicant who is commissioned 1236  
or licensed as a notary public in another state in accordance 1237  
with section 9.79 of the Revised Code. 1238

**Sec. 147.63.** (A) A notary public who has been duly 1239  
appointed and commissioned under section 147.01 of the Revised 1240  
Code, and who is a resident of this state, may apply to the 1241  
secretary of state to be authorized to act as an online notary 1242  
public during the term of that notary public's commission. A 1243  
state resident commissioned as a notary public qualifies to be 1244  
an online notary public by paying the fee described in section 1245  
147.631 of the Revised Code and submitting to the secretary of 1246  
state an application in the form prescribed by the secretary 1247  
that demonstrates to the satisfaction of the secretary that the 1248  
applicant will comply with the standards adopted in rules under 1249  
section 147.62 of the Revised Code and that the applicant is 1250  
otherwise qualified to be an online notary. 1251

(B) (1) Before an individual may be authorized to act as an 1252  
online notary public, that individual shall successfully 1253  
complete a course of instruction approved by the secretary of 1254  
state and pass an examination based on the course. The content 1255  
of the course shall include notarial rules, procedures, and 1256  
ethical obligations pertaining to online notarization contained 1257  
in sections 147.60 to 147.66 of the Revised Code or in any other 1258  
law or rules of this state. The course may be taken in 1259  
conjunction with the educational program required under section 1260

147.021 of the Revised Code for a notary public commission. 1261

(2) The secretary of state shall approve one business 1262  
entity comprised of bar associations with statewide scope and 1263  
regional presence that have expertise and experience in notary 1264  
laws and processes to provide the course and administer the 1265  
examination to become an online notary. 1266

(C) The application required under division (A) of this 1267  
section shall be transmitted electronically to the secretary of 1268  
state and shall include all of the following information: 1269

(1) The applicant's full legal name and official notary 1270  
public name to be used in acting as an online notary public; 1271

(2) A description of the technology the applicant intends 1272  
to use in performing online notarizations; 1273

(3) A certification that the applicant will comply with 1274  
the rules adopted under section 147.62 of the Revised Code; 1275

(4) An electronic mail address of the applicant; 1276

(5) Any decrypting instructions, keys, codes, or software 1277  
necessary to enable the application to be read; 1278

(6) Proof of successful completion of the course and 1279  
passage of the examination required under division (B) of this 1280  
section; 1281

(7) A disclosure of any and all license or commission 1282  
revocations or other professional disciplinary actions taken 1283  
against the applicant; 1284

(8) Any other information that the secretary of state may 1285  
require. 1286

(D) (1) If the secretary of state is satisfied that an 1287

applicant meets the standards adopted in rules under section 1288  
147.62 of the Revised Code, and that the applicant is otherwise 1289  
qualified to be an online notary public, then the secretary 1290  
shall issue to the applicant a written authorization to perform 1291  
online notarizations. 1292

The secretary of state shall issue a written authorization 1293  
to perform online notarizations to an applicant who holds an 1294  
authorization or license to perform online notarizations in 1295  
another state in accordance with section 9.79 of the Revised 1296  
Code. 1297

(2) Except as provided in division (D) (4) of this section, 1298  
the authorization shall expire when the notary public's 1299  
commission expires or is revoked under section 147.03, 147.031, 1300  
or 147.032 of the Revised Code. 1301

(3) (a) Except as provided in division (D) (5) of this 1302  
section, the authorization shall be renewed when the notary 1303  
public's commission is renewed. 1304

(b) An authorization to perform online notarizations that 1305  
is set to expire shall not be renewed unless the notary submits 1306  
to the secretary of state through the entity authorized in this 1307  
section all of the following: 1308

(i) A fee, set by the secretary of state, of not more than 1309  
four times the fee prescribed in division (B) (2) of section 1310  
147.031 of the Revised Code; 1311

(ii) An application for renewal on a form prescribed by 1312  
the secretary; 1313

(iii) Evidence of having completed continuing education, 1314  
as required under division (G) of this section. 1315

(c) If a notary public's online notarization authorization 1316  
expires before the notary submits the application for renewal, 1317  
the secretary of state shall not renew that expired 1318  
authorization but shall permit that person to apply for a new 1319  
online notarization authorization. 1320

(4) An authorization to perform online notarizations 1321  
granted to an attorney admitted to the practice of law in this 1322  
state by the Ohio supreme court shall expire on the earlier of 1323  
five years after the date the authorization is granted or when 1324  
the attorney's term of office as a notary public ends. 1325

(5) An attorney authorized to perform online notarizations 1326  
may apply to renew the attorney's authorization three months 1327  
prior to the authorization's expiration date. 1328

(6) (a) The secretary may deny an application for an online 1329  
notary public if any of the required information is missing or 1330  
incorrect on the application form. 1331

(b) The secretary may also deny an application if the 1332  
technology the applicant identifies pursuant to division (C) (2) 1333  
of this section does not conform to the standards developed by 1334  
the secretary pursuant to section 147.62 of the Revised Code. 1335

(E) Nothing in this section shall be construed as 1336  
prohibiting an online notary public from receiving, installing, 1337  
and utilizing a software update to the technology that the 1338  
online notary public disclosed pursuant to division (C) (2) of 1339  
this section if that software update does not result in a 1340  
technology that is materially different from the technology that 1341  
the online notary public disclosed pursuant to division (C) (2) 1342  
of this section. 1343

(F) (1) If a notary public changes either the hardware or 1344

the software that the notary intends to use to carry out online 1345  
notarizations, then the notary shall inform the secretary of 1346  
this intent on a form prescribed by the secretary. 1347

(2) If the secretary determines that the new hardware or 1348  
software does not meet the standards prescribed in rules under 1349  
section 147.62 of the Revised Code, then the secretary may 1350  
suspend or revoke the notary's authority to perform online 1351  
notarizations. 1352

(G) (1) The secretary of state shall not renew an online 1353  
notarization authorization unless the applicant has completed 1354  
continuing education as required under rules adopted pursuant to 1355  
division (G) (2) of this section. 1356

(2) The secretary shall adopt rules in accordance with 1357  
Chapter 119. of the Revised Code related to continuing education 1358  
requirements for an online notarization authorization. The rules 1359  
shall specify the number of hours of continuing education a 1360  
notary must complete over the duration of the notary's license 1361  
and may specify content to be included in the continuing 1362  
education. 1363

**Sec. 169.16.** (A) No person, on behalf of any other person, 1364  
shall engage in any activity for the purpose of locating, 1365  
delivering, recovering, or assisting in the recovery of 1366  
unclaimed funds or contents of a safe deposit box, and receive a 1367  
fee, compensation, commission, or other remuneration for such 1368  
activity, without first having obtained a certificate of 1369  
registration from the director of commerce in accordance with 1370  
this section. 1371

(B) An application for a certificate of registration shall 1372  
be in writing and in the form prescribed by the director. The 1373

application shall be accompanied by a recent full-face color 1374  
photograph of the applicant and notarized character reference 1375  
letters from two reputable character witnesses. The application 1376  
shall, at a minimum, provide all of the following: 1377

(1) The applicant's full name, home address, and work 1378  
address; 1379

(2) The name, address, and telephone number of the two 1380  
character witnesses who have provided the character reference 1381  
letters; 1382

(3) A statement that the applicant has not, during the 1383  
ten-year period immediately preceding the submission of the 1384  
application, violated division (A) of this section on or after 1385  
the effective date of this section, or division (C) of section 1386  
169.13 of the Revised Code, or been convicted of, or pleaded 1387  
guilty to, any felony or any offense involving moral turpitude, 1388  
including theft, attempted theft, falsification, tampering with 1389  
records, securing writings by deception, fraud, forgery, and 1390  
perjury; 1391

(4) The notarized signature of the applicant immediately 1392  
following an acknowledgment that any false or perjured statement 1393  
subjects the applicant to criminal liability under section 1394  
2921.13 of the Revised Code. 1395

(C) Upon the filing of the application with the division 1396  
of unclaimed funds, the division may investigate the applicant 1397  
to verify the information provided in the application and to 1398  
determine the applicant's eligibility for a certificate of 1399  
registration under this section. False information on an 1400  
application is grounds for the denial or revocation of the 1401  
applicant's certificate of registration. 1402



(D) ~~The~~ (1) Except as provided in division (D) (2) of this 1403  
section, the director shall issue a certificate of registration 1404  
to an applicant if the director finds that the following 1405  
conditions are met: 1406

~~(1)~~ (a) The applicant has not, during the ten-year period 1407  
immediately preceding the submission of the application, 1408  
violated division (A) of this section on or after the effective 1409  
date of this section, or division (C) of section 169.13 of the 1410  
Revised Code, or been convicted of, or pleaded guilty to, any 1411  
felony or any offense involving moral turpitude, including 1412  
theft, attempted theft, falsification, tampering with records, 1413  
securing writings by deception, fraud, forgery, and perjury. 1414

~~(2)~~ (b) The applicant's character and general fitness 1415  
command the confidence of the public and warrant the belief that 1416  
the applicant's business will be conducted honestly and fairly. 1417

(2) The director shall issue a certificate of registration 1418  
in accordance with section 9.79 of the Revised Code to an 1419  
applicant if either of the following applies: 1420

(a) The applicant holds a license or certificate of 1421  
registration in another state. 1422

(b) The applicant has satisfactory work experience, a 1423  
government certification, or a private certification as 1424  
described in that section in the same profession, occupation, or 1425  
occupational activity as the profession, occupation, or 1426  
occupational activity for which the certificate of registration 1427  
is required in this state in a state that does not issue such a 1428  
license or certificate of registration. 1429

(E) ~~The~~ A certificate of registration ~~issued pursuant to~~ 1430  
~~division (D) of this section~~ may be renewed annually if the 1431

director finds that the following conditions are met: 1432

(1) The applicant submits a renewal application form 1433  
prescribed by the director. 1434

(2) The applicant meets the conditions set forth in 1435  
division (D) of this section. 1436

(3) The applicant's certificate of registration is not 1437  
subject to an order of revocation by the director. 1438

**Sec. 173.21.** (A) The office of the state long-term care 1439  
ombudsman program, through the state long-term care ombudsman 1440  
and the regional long-term care ombudsman programs, shall 1441  
require each representative of the office to complete a training 1442  
and certification program in accordance with this section and to 1443  
meet the continuing education requirements established under 1444  
this section. 1445

(B) The department of aging shall adopt rules in 1446  
accordance with Chapter 119. of the Revised Code specifying the 1447  
content of training programs for representatives of the office 1448  
of the state long-term care ombudsman program. Training for 1449  
representatives other than those who are volunteers providing 1450  
services through regional long-term care ombudsman programs 1451  
shall include instruction regarding federal, state, and local 1452  
laws, rules, and policies on long-term care facilities and 1453  
community-based long-term care services; investigative 1454  
techniques; and other topics considered relevant by the 1455  
department and shall consist of the following: 1456

(1) A minimum of forty clock hours of basic instruction, 1457  
which shall be completed before the trainee is permitted to 1458  
handle complaints without the supervision of a representative of 1459  
the office certified under this section; 1460

(2) An additional sixty clock hours of instruction, which 1461  
shall be completed within the first fifteen months of 1462  
employment; 1463

(3) An internship of twenty clock hours, which shall be 1464  
completed within the first twenty-four months of employment, 1465  
including instruction in, and observation of, basic nursing care 1466  
and long-term care provider operations and procedures. The 1467  
internship shall be performed at a site that has been approved 1468  
as an internship site by the state long-term care ombudsman. 1469

(4) One of the following, which shall be completed within 1470  
the first twenty-four months of employment: 1471

(a) Observation of a survey conducted by the director of 1472  
health to certify a nursing facility to participate in the 1473  
medicaid program; 1474

(b) Observation of an inspection conducted by the director 1475  
of mental health and addiction services to license a residential 1476  
facility under section 5119.34 of the Revised Code that provides 1477  
accommodations, supervision, and personal care services for 1478  
three to sixteen unrelated adults. 1479

(5) Any other training considered appropriate by the 1480  
department. 1481

(C) Any person who for a period of at least six months 1482  
prior to June 11, 1990, served as an ombudsman through the long- 1483  
term care ombudsman program established by the department of 1484  
aging under section 173.01 of the Revised Code shall not be 1485  
required to complete a training program. Such a person and 1486  
persons who complete a training program shall take an 1487  
examination administered by the department of aging. On 1488  
attainment of a passing score, the person shall be certified by 1489

the department as a representative of the office. The department 1490  
shall issue the person an identification card, which the 1491  
representative shall show at the request of any person with whom 1492  
the representative deals while performing the representative's 1493  
duties and which shall be surrendered at the time the 1494  
representative separates from the office. 1495

(D) The state ombudsman and each regional program shall 1496  
conduct training programs for volunteers on their respective 1497  
staffs in accordance with the rules of the department of aging 1498  
adopted under division (B) of this section. Training programs 1499  
may be conducted that train volunteers to complete some, but not 1500  
all, of the duties of a representative of the office. Each 1501  
regional office shall bear the cost of training its 1502  
representatives who are volunteers. On completion of a training 1503  
program, the representative shall take an examination 1504  
administered by the department of aging. On attainment of a 1505  
passing score, a volunteer shall be certified by the department 1506  
as a representative authorized to perform services specified in 1507  
the certification. The department shall issue an identification 1508  
card, which the representative shall show at the request of any 1509  
person with whom the representative deals while performing the 1510  
representative's duties and which shall be surrendered at the 1511  
time the representative separates from the office. Except as a 1512  
supervised part of a training program, no volunteer shall 1513  
perform any duty unless the volunteer is certified as a 1514  
representative having received appropriate training for that 1515  
duty. 1516

(E) The state ombudsman shall provide technical assistance 1517  
to regional programs conducting training programs for volunteers 1518  
and shall monitor the training programs. 1519

(F) Prior to scheduling an observation of a certification 1520  
survey or licensing inspection for purposes of division (B) (4) 1521  
of this section, the state ombudsman shall obtain permission to 1522  
have the survey or inspection observed from both the long-term 1523  
care facility at which the survey or inspection is to take place 1524  
and, as the case may be, the director of health or director of 1525  
mental health and addiction services. 1526

(G) Notwithstanding the requirements for a certification 1527  
under this section, the department shall issue a certificate as 1528  
a representative of the office of the state long-term care 1529  
ombudsman program in accordance with section 9.79 of the Revised 1530  
Code to a person if either of the following applies: 1531

(1) The person holds a license or certificate in another 1532  
state. 1533

(2) The person has satisfactory work experience, a 1534  
government certification, or a private certification as 1535  
described in that section as a representative of a state long- 1536  
term care ombudsman program in a state that does not issue that 1537  
license or certificate. 1538

(H) The department of aging shall establish continuing 1539  
education requirements for representatives of the office. 1540

**Sec. 173.391.** (A) Subject to section 173.381 of the 1541  
Revised Code and except as provided in division (I) of this 1542  
section, the department of aging or its designee shall do all of 1543  
the following in accordance with Chapter 119. of the Revised 1544  
Code: 1545

(1) Certify a provider to provide community-based long- 1546  
term care services under a program the department administers if 1547  
the provider satisfies the requirements for certification 1548

established by rules adopted under division (B) of this section 1549  
and pays the fee, if any, established by rules adopted under 1550  
division (G) of this section; 1551

(2) When required to do so by rules adopted under division 1552  
(B) of this section, take one or more of the following 1553  
disciplinary actions against a provider certified under division 1554  
(A) (1) of this section: 1555

(a) Issue a written warning; 1556

(b) Require the submission of a plan of correction or 1557  
evidence of compliance with requirements identified by the 1558  
department; 1559

(c) Suspend referrals; 1560

(d) Remove clients; 1561

(e) Impose a fiscal sanction such as a civil monetary 1562  
penalty or an order that unearned funds be repaid; 1563

(f) Suspend the certification; 1564

(g) Revoke the certification; 1565

(h) Impose another sanction. 1566

(3) Except as provided in division (E) of this section, 1567  
hold hearings when there is a dispute between the department or 1568  
its designee and a provider concerning actions the department or 1569  
its designee takes regarding a decision not to certify the 1570  
provider under division (A) (1) of this section or a disciplinary 1571  
action under divisions (A) (2) (e) to (h) of this section. 1572

(B) The director of aging shall adopt rules in accordance 1573  
with Chapter 119. of the Revised Code establishing certification 1574  
requirements and standards for determining which type of 1575

disciplinary action to take under division (A) (2) of this 1576  
section in individual situations. The rules shall establish 1577  
procedures for all of the following: 1578

(1) Ensuring that providers comply with sections 173.38 1579  
and 173.381 of the Revised Code; 1580

(2) Evaluating the services provided by the providers to 1581  
ensure that the services are provided in a quality manner 1582  
advantageous to the individual receiving the services; 1583

(3) In a manner consistent with section 173.381 of the 1584  
Revised Code, determining when to take disciplinary action under 1585  
division (A) (2) of this section and which disciplinary action to 1586  
take; 1587

(4) Determining what constitutes another sanction for 1588  
purposes of division (A) (2) (h) of this section. 1589

(C) The procedures established in rules adopted under 1590  
division (B) (2) of this section shall require that all of the 1591  
following be considered as part of an evaluation described in 1592  
division (B) (2) of this section: 1593

(1) The provider's experience and financial 1594  
responsibility; 1595

(2) The provider's ability to comply with standards for 1596  
the community-based long-term care services that the provider 1597  
provides under a program the department administers; 1598

(3) The provider's ability to meet the needs of the 1599  
individuals served; 1600

(4) Any other factor the director considers relevant. 1601

(D) The rules adopted under division (B) (3) of this 1602

section shall specify that the reasons disciplinary action may 1603  
be taken under division (A) (2) of this section include good 1604  
cause, including misfeasance, malfeasance, nonfeasance, 1605  
confirmed abuse or neglect, financial irresponsibility, or other 1606  
conduct the director determines is injurious, or poses a threat, 1607  
to the health or safety of individuals being served. 1608

(E) Subject to division (F) of this section, the 1609  
department is not required to hold hearings under division (A) 1610  
(3) of this section if any of the following conditions apply: 1611

(1) Rules adopted by the director of aging pursuant to 1612  
this chapter require the provider to be a party to a provider 1613  
agreement; hold a license, certificate, or permit; or maintain a 1614  
certification, any of which is required or issued by a state or 1615  
federal government entity other than the department of aging, 1616  
and either of the following is the case: 1617

(a) The provider agreement has not been entered into or 1618  
the license, certificate, permit, or certification has not been 1619  
obtained or maintained. 1620

(b) The provider agreement, license, certificate, permit, 1621  
or certification has been denied, revoked, not renewed, or 1622  
suspended or has been otherwise restricted. 1623

(2) The provider's certification under this section has 1624  
been denied, suspended, or revoked for any of the following 1625  
reasons: 1626

(a) A government entity of this state, other than the 1627  
department of aging, has terminated or refused to renew any of 1628  
the following held by, or has denied any of the following sought 1629  
by, a provider: a provider agreement, license, certificate, 1630  
permit, or certification. Division (E) (2) (a) of this section 1631



applies regardless of whether the provider has entered into a 1632  
provider agreement in, or holds a license, certificate, permit, 1633  
or certification issued by, another state. 1634

(b) The provider or a principal owner or manager of the 1635  
provider who provides direct care has entered a guilty plea for, 1636  
or has been convicted of, an offense materially related to the 1637  
medicaid program. 1638

(c) A principal owner or manager of the provider who 1639  
provides direct care has entered a guilty plea for, been 1640  
convicted of, or been found eligible for intervention in lieu of 1641  
conviction for an offense listed or described in divisions (A) 1642  
(3) (a) to (e) of section 109.572 of the Revised Code, but only 1643  
if the provider, principal owner, or manager does not meet 1644  
standards specified by the director in rules adopted under 1645  
section 173.38 of the Revised Code. 1646

(d) The department or its designee is required by section 1647  
173.381 of the Revised Code to deny or revoke the provider's 1648  
certification. 1649

(e) The United States department of health and human 1650  
services has taken adverse action against the provider and that 1651  
action impacts the provider's participation in the medicaid 1652  
program. 1653

(f) The provider has failed to enter into or renew a 1654  
provider agreement with the PASSPORT administrative agency, as 1655  
that term is defined in section 173.42 of the Revised Code, that 1656  
administers programs on behalf of the department of aging in the 1657  
region of the state in which the provider is certified to 1658  
provide services. 1659

(g) The provider has not billed or otherwise submitted a 1660

claim to the department for payment under the medicaid program 1661  
in at least two years. 1662

(h) The provider denied or failed to provide the 1663  
department or its designee access to the provider's facilities 1664  
during the provider's normal business hours for purposes of 1665  
conducting an audit or structural compliance review. 1666

(i) The provider has ceased doing business. 1667

(j) The provider has voluntarily relinquished its 1668  
certification for any reason. 1669

(3) The provider's provider agreement with the department 1670  
of medicaid has been suspended under section 5164.36 of the 1671  
Revised Code. 1672

(4) The provider's provider agreement with the department 1673  
of medicaid is denied or revoked because the provider or its 1674  
owner, officer, authorized agent, associate, manager, or 1675  
employee has been convicted of an offense that caused the 1676  
provider agreement to be suspended under section 5164.36 of the 1677  
Revised Code. 1678

(F) If the department does not hold hearings when any 1679  
condition described in division (E) of this section applies, the 1680  
department shall send a notice to the provider describing a 1681  
decision not to certify the provider under division (A) (1) of 1682  
this section or the disciplinary action the department is taking 1683  
under divisions (A) (2) (e) to (h) of this section. The notice 1684  
shall be sent to the provider's address that is on record with 1685  
the department and may be sent by regular mail. 1686

(G) The director of aging may adopt rules in accordance 1687  
with Chapter 119. of the Revised Code establishing a fee to be 1688  
charged by the department of aging or its designee for 1689

certification issued under division (A) of this section. 1690

(H) Any amounts collected by the department or its 1691  
designee under this section shall be deposited in the state 1692  
treasury to the credit of the provider certification fund, which 1693  
is hereby created. Money credited to the fund shall be used to 1694  
pay for community-based long-term care services, administrative 1695  
costs associated with provider certification under this section, 1696  
and administrative costs related to the publication of the Ohio 1697  
long-term care consumer guide. 1698

(I) The director shall certify a provider in accordance 1699  
with section 9.79 of the Revised Code if either of the following 1700  
applies: 1701

(1) The provider is licensed or certified in another 1702  
state. 1703

(2) The provider has satisfactory work experience, a 1704  
government certification, or a private certification as 1705  
described in that section as a provider of community-based long- 1706  
term care services under a state program in a state that does 1707  
not issue that license or certificate. 1708

**Sec. 173.422.** (A) The department of aging shall certify 1709  
individuals who meet certification requirements established by 1710  
rule to provide long-term care consultations for purposes of 1711  
sections 173.42 and 173.421 of the Revised Code. The director of 1712  
aging shall adopt rules in accordance with Chapter 119. of the 1713  
Revised Code governing the certification process and 1714  
requirements. The rules shall specify the education, experience, 1715  
or training in long-term care a person must have to qualify for 1716  
certification. 1717

(B) Notwithstanding the requirements for a certification 1718

under division (A) of this section, the department shall issue a 1719  
certification to provide long-term care consultations in 1720  
accordance with section 9.79 of the Revised Code to a person if 1721  
either of the following applies: 1722

(1) The person holds a license or certification in another 1723  
state. 1724

(2) The person has satisfactory work experience, a 1725  
government certification, or a private certification as 1726  
described in that section as a provider of long-term care 1727  
consultations in a state that does not issue that license or 1728  
certification. 1729

**Sec. 503.41.** (A) A board of township trustees, by 1730  
resolution, may regulate and require the registration of massage 1731  
establishments and their employees within the unincorporated 1732  
territory of the township. In accordance with sections 503.40 to 1733  
503.49 of the Revised Code, for that purpose, the board, by a 1734  
majority vote of all members, may adopt, amend, administer, and 1735  
enforce regulations within the unincorporated territory of the 1736  
township. 1737

(B) A board may adopt regulations and amendments under 1738  
this section only after public hearing at not fewer than two 1739  
regular sessions of the board. The board shall cause to be 1740  
published in a newspaper of general circulation in the township, 1741  
or as provided in section 7.16 of the Revised Code, notice of 1742  
the public hearings, including the time, date, and place, once a 1743  
week for two weeks immediately preceding the hearings. The board 1744  
shall make available proposed regulations or amendments to the 1745  
public at the office of the board. 1746

(C) Regulations or amendments adopted by the board are 1747

effective thirty days after the date of adoption unless, within 1748  
thirty days after the adoption of the regulations or amendments, 1749  
the township fiscal officer receives a petition, signed by a 1750  
number of qualified electors residing in the unincorporated area 1751  
of the township equal to not less than ten per cent of the total 1752  
vote cast for all candidates for governor in the area at the 1753  
most recent general election at which a governor was elected, 1754  
requesting the board to submit the regulations or amendments to 1755  
the electors of the area for approval or rejection at the next 1756  
primary or general election occurring at least ninety days after 1757  
the board receives the petition. 1758

No regulation or amendment for which the referendum vote 1759  
has been requested is effective unless a majority of the votes 1760  
cast on the issue is in favor of the regulation or amendment. 1761  
Upon certification by the board of elections that a majority of 1762  
the votes cast on the issue was in favor of the regulation or 1763  
amendment, the regulation or amendment takes immediate effect. 1764

(D) The board shall make available regulations it adopts 1765  
or amends to the public at the office of the board and shall 1766  
cause to be published once a notice of the availability of the 1767  
regulations in a newspaper of general circulation in the 1768  
township within ten days after their adoption or amendment. 1769

(E) Nothing in sections 503.40 to 503.49 of the Revised 1770  
Code shall be construed to allow a board of township trustees to 1771  
regulate the practice of any limited branch of medicine 1772  
specified in section 4731.15 of the Revised Code or the practice 1773  
of providing therapeutic massage by a licensed physician, a 1774  
licensed chiropractor, a licensed podiatrist, a licensed nurse, 1775  
or any other licensed health professional. As used in this 1776  
division, "licensed" means licensed, certified, or registered to 1777

practice in this state. 1778

(F) If a township adopts regulations to require the 1779  
registration of massage establishments and their employees, the 1780  
township shall comply with section 9.79 of the Revised Code. 1781

**Sec. 715.27.** (A) Any municipal corporation may: 1782

(1) Regulate the erection of fences, billboards, signs, 1783  
and other structures, within the municipal corporation, and 1784  
provide for the removal and repair of insecure billboards, 1785  
signs, and other structures; 1786

(2) Regulate the construction and repair of wires, poles, 1787  
plants, and all equipment to be used for the generation and 1788  
application of electricity; 1789

(3) Provide for the licensing of house movers; plumbers; 1790  
sewer tappers; vault cleaners; and specialty contractors who are 1791  
not required to hold a valid license issued pursuant to Chapter 1792  
4740. of the Revised Code; 1793

(4) Require all specialty contractors other than those who 1794  
hold a valid license issued pursuant to Chapter 4740. of the 1795  
Revised Code, to successfully complete an examination, test, or 1796  
demonstration of technical skills, and may impose a fee and 1797  
additional requirements for a license or registration to engage 1798  
in their respective occupations within the jurisdiction of the 1799  
municipal corporation. 1800

(B) No municipal corporation shall require any specialty 1801  
contractor who holds a valid license issued pursuant to Chapter 1802  
4740. of the Revised Code to complete an examination, test, or 1803  
demonstration of technical skills to engage in the type of 1804  
contracting for which the license is held, within the municipal 1805  
corporation. 1806

(C) A municipal corporation may require a specialty contractor who holds a valid license issued pursuant to Chapter 4740. of the Revised Code to register with the municipal corporation and pay any fee the municipal corporation imposes before that specialty contractor may engage within the municipal corporation in the type of contracting for which the license is held. Any fee shall be the same for all specialty contractors who engage in the same type of contracting. A municipal corporation may require a bond and proof of all of the following:

(1) Insurance pursuant to division (B) (4) of section 4740.06 of the Revised Code;

(2) Compliance with Chapters 4121. and 4123. of the Revised Code;

(3) Registration with the tax department of the municipal corporation.

If a municipal corporation requires registration, imposes such a fee, or requires a bond or proof of the items listed in divisions (C) (1), (2), and (3) of this section, the municipal corporation immediately shall permit a contractor who presents proof of holding a valid license issued pursuant to Chapter 4740. of the Revised Code, who registers, pays the fee, obtains a bond, and submits the proof described under divisions (C) (1), (2), and (3) of this section, as required, to engage in the type of contracting for which the license is held, within the municipal corporation.

(D) A municipal corporation may revoke the registration of a contractor registered with that municipal corporation for good cause shown. Good cause shown includes the failure of a

contractor to maintain a bond or the items listed in divisions 1836  
(C) (1), (2), and (3) of this section, if the municipal 1837  
corporation requires those. 1838

(E) A municipal corporation that licenses specialty 1839  
contractors pursuant to division (A) (3) of this section may 1840  
accept, for purposes of satisfying its licensing requirements, a 1841  
valid license issued pursuant to Chapter 4740. of the Revised 1842  
Code that a specialty contractor holds, for the construction, 1843  
replacement, maintenance, or repair of one-family, two-family, 1844  
or three-family dwelling houses or accessory structures 1845  
incidental to those dwelling houses. 1846

(F) A municipal corporation shall not register a specialty 1847  
contractor who is required to hold a license under Chapter 4740. 1848  
of the Revised Code but does not hold a valid license issued 1849  
under that chapter. 1850

(G) If a municipal corporation regulates a profession, 1851  
occupation, or occupational activity under this section, the 1852  
municipal corporation shall comply with section 9.79 of the 1853  
Revised Code. 1854

(H) As used in this section, "specialty contractor" means 1855  
a heating, ventilating, and air conditioning contractor, 1856  
refrigeration contractor, electrical contractor, plumbing 1857  
contractor, or hydronics contractor, as those contractors are 1858  
described in Chapter 4740. of the Revised Code. 1859

**Sec. 903.07.** (A) On and after the date that is established 1860  
in rules by the director of agriculture, both of the following 1861  
apply: 1862

(1) The management and handling of manure at a major 1863  
concentrated animal feeding facility, including the land 1864



application of manure or the removal of manure from a manure 1865  
storage or treatment facility, shall be conducted only by or 1866  
under the supervision of a person holding a livestock manager 1867  
certification issued under this section. A person managing or 1868  
handling manure who is acting under the instructions and control 1869  
of a person holding a livestock manager certification is 1870  
considered to be under the supervision of the certificate holder 1871  
if the certificate holder is responsible for the actions of the 1872  
person and is available when needed even though the certificate 1873  
holder is not physically present at the time of the manure 1874  
management or handling. 1875

(2) No person shall transport and land apply annually or 1876  
buy, sell, or land apply annually the volume of manure 1877  
established in rules adopted by the director under division (D) 1878  
(5) of section 903.10 of the Revised Code unless the person 1879  
holds a livestock manager certification issued under this 1880  
section. 1881

(B) ~~The Except as provided in division (D) of this~~ 1882  
~~section, the~~ director shall issue a livestock manager 1883  
certification to a person who has submitted a complete 1884  
application for certification on a form prescribed and provided 1885  
by the director, together with the appropriate application fee, 1886  
and who has completed successfully the required training and has 1887  
passed the required examination. The director may suspend or 1888  
revoke a livestock manager certification and may reinstate a 1889  
suspended or revoked livestock manager certification in 1890  
accordance with rules. 1891

(C) Information required to be included in an application 1892  
for a livestock manager certification, the amount of the 1893  
application fee, requirements regarding training and the 1894

examination, requirements governing the management and handling 1895  
of manure, including the land application of manure, and 1896  
requirements governing the keeping of records regarding the 1897  
handling of manure, including the land application of manure, 1898  
shall be established in rules. 1899

(D) The director shall issue a livestock manager 1900  
certification in accordance with section 9.79 of the Revised 1901  
Code to an individual if either of the following applies: 1902

(1) The individual holds a certification in another state. 1903

(2) The individual has satisfactory work experience, a 1904  
government certification, or a private certification as 1905  
described in that section as a livestock manager in a state that 1906  
does not issue that license. 1907

**Sec. 905.321.** (A) Beginning September thirtieth of the 1908  
third year after ~~the effective date of this section~~ August 21, 1909  
2014, no person shall apply fertilizer for the purposes of 1910  
agricultural production unless that person has been certified to 1911  
do so by the director of agriculture under this section and 1912  
rules or is acting under the instructions and control of a 1913  
person who is so certified. 1914

(B) A-Except as otherwise provided in this division, a 1915  
person shall be certified to apply fertilizer for purposes of 1916  
agricultural production in accordance with rules. A person that 1917  
has been so certified shall comply with requirements and 1918  
procedures established in those rules. 1919

The director shall issue a certification to apply 1920  
fertilizer for purposes of agricultural production in accordance 1921  
with section 9.79 of the Revised Code to an individual if either 1922  
of the following applies: 1923

(1) The individual holds a license or certification in 1924  
another state. 1925

(2) The individual has satisfactory work experience, a 1926  
government certification, or a private certification as 1927  
described in that section as a fertilizer applicator in a state 1928  
that does not issue that license or certification. 1929

(C) A person that has been licensed as a commercial 1930  
applicator under section 921.06 of the Revised Code or as a 1931  
private applicator under section 921.11 of the Revised Code may 1932  
apply to be certified under this section, but shall not be 1933  
required to pay the application fee for certification 1934  
established in rules adopted under section 905.322 of the 1935  
Revised Code. 1936

**Sec. 917.09.** (A) The director of agriculture may issue the 1937  
following types of licenses: 1938

- (1) Producer; 1939
- (2) Processor; 1940
- (3) Milk dealer; 1941
- (4) Raw milk retailer; 1942
- (5) Weigher, sampler, or tester; 1943
- (6) Milk hauler. 1944

(B) The director may adopt rules establishing categories 1945  
for each type of license that are based on the grade or type of 1946  
dairy product with which the licensee is involved. 1947

(C) Except as provided in section 917.091 of the Revised 1948  
Code and division (J) of this section, no person shall act as or 1949  
hold the person's self out as a producer; processor; milk 1950

dealer; raw milk retailer; weigher, sampler, or tester; or milk 1951  
hauler unless the person holds a valid license issued by the 1952  
director under this section. 1953

(D) Each person desiring a license shall submit to the 1954  
director a license application on a form prescribed by the 1955  
director, accompanied by a license fee in an amount specified in 1956  
rules adopted under section 917.02 of the Revised Code. The 1957  
applicant shall specify on the application the type of license 1958  
and category requested and shall include any other information 1959  
required by rules adopted under section 917.02 of the Revised 1960  
Code. 1961

(E) Each applicant for a weigher, sampler, or tester 1962  
license or registration, prior to issuance of the license or 1963  
registration, shall pass an examination that is given in 1964  
accordance with section 917.08 of the Revised Code and rules 1965  
adopted under section 917.02 of the Revised Code. 1966

Each applicant for any other type of license issued under 1967  
this section, prior to issuance of the license, shall pass an 1968  
inspection that is made in accordance with rules adopted under 1969  
section 917.02 of the Revised Code. 1970

(F) The director shall not issue a license to an applicant 1971  
unless the director determines, through an inspection or 1972  
otherwise, that the applicant is in compliance with the 1973  
requirements set forth in this chapter and the rules adopted 1974  
under it. 1975

(G) Examinations that must be passed prior to issuance of 1976  
a weigher, sampler, or tester license, inspections that must be 1977  
passed prior to issuance of any other type of license issued 1978  
under this section, procedures for issuing and renewing 1979

licenses, and license terms and renewal periods shall comply 1980  
with rules adopted under section 917.02 of the Revised Code. 1981

(H) Suspension and revocation of licenses shall comply 1982  
with section 917.22 of the Revised Code and rules adopted under 1983  
section 917.02 of the Revised Code. 1984

(I) Each licensed weigher, sampler, and tester annually 1985  
shall meet the continuing education requirements established in 1986  
rules adopted under division (B) of section 917.02 of the 1987  
Revised Code. 1988

(J) A person whose religion prohibits the person from 1989  
obtaining a license under this section, in place of a license, 1990  
shall register with the director as a producer; processor; milk 1991  
dealer; raw milk retailer; weigher, sampler, or tester; or milk 1992  
hauler. 1993

The person claiming the exemption from licensure shall 1994  
register on a form prescribed by the director and shall meet any 1995  
other registration requirements contained in rules adopted under 1996  
section 917.02 of the Revised Code. Upon receiving the person's 1997  
registration form and determining that the person has satisfied 1998  
all requirements for registration, the director shall notify the 1999  
person that the person is registered to lawfully operate as a 2000  
producer; processor; milk dealer; raw milk retailer; weigher, 2001  
sampler, or tester; or milk hauler. 2002

A registrant is subject to all provisions governing 2003  
licensees, such as provisions concerning testing, sampling, and 2004  
inspection of dairy products. A registrant is subject to 2005  
provisions governing issuance of a temporary weigher, sampler, 2006  
or tester license under section 917.091 of the Revised Code. A 2007  
registration shall be renewed, suspended, and revoked under the 2008

same terms as a license.

2009

(K) Notwithstanding the requirements for a license or registration under this section, the director shall issue a license or registration to operate as a producer; processor; milk dealer; raw milk retailer; weigher, sampler, or tester; or milk hauler, as applicable, in accordance with section 9.79 of the Revised Code to an individual if either of the following applies:

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(1) The individual holds a license or registration in another state.

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(2) The individual has satisfactory work experience, a government certification, or a private certification as described in that section as a producer; processor; milk dealer; raw milk retailer; weigher, sampler, or tester; or milk hauler, as applicable, in a state that does not issue the applicable license or registration.

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**Sec. 917.091.** The director of agriculture may issue a temporary weigher, sampler, or tester license to an applicant upon determining that the applicant has met all qualifications for licensure under section 917.09 of the Revised Code except successful completion of an examination. A temporary weigher, sampler, or tester license is effective for ninety days from the date of issuance. An applicant who has not taken an examination for licensure may receive no more than three temporary weigher, sampler, or tester licenses. An applicant who takes and fails an examination for licensure may receive no more than two temporary weigher, sampler, or tester licenses. Section 9.79 of the Revised Code does not apply to a temporary license issued under this section.

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**Sec. 921.06.** (A) (1) No individual shall do any of the 2038  
following without having a commercial applicator license issued 2039  
by the director of agriculture: 2040

(a) Apply pesticides for a pesticide business without 2041  
direct supervision; 2042

(b) Apply pesticides as part of the individual's duties 2043  
while acting as an employee of the United States government, a 2044  
state, county, township, or municipal corporation, or a park 2045  
district, port authority, or sanitary district created under 2046  
Chapter 1545., 4582., or 6115. of the Revised Code, 2047  
respectively; 2048

(c) Apply restricted use pesticides. Division (A) (1) (c) of 2049  
this section does not apply to a private applicator or an 2050  
immediate family member or a subordinate employee of a private 2051  
applicator who is acting under the direct supervision of that 2052  
private applicator. 2053

(d) If the individual is the owner of a business other 2054  
than a pesticide business or an employee of such an owner, apply 2055  
pesticides at any of the following publicly accessible sites 2056  
that are located on the property: 2057

(i) Food service operations that are licensed under 2058  
Chapter 3717. of the Revised Code; 2059

(ii) Retail food establishments that are licensed under 2060  
Chapter 3717. of the Revised Code; 2061

(iii) Golf courses; 2062

(iv) Rental properties of more than four apartment units 2063  
at one location; 2064

(v) Hospitals or medical facilities as defined in section 2065

3701.01 of the Revised Code; 2066

(vi) Child day-care centers or school child day-care 2067  
centers as defined in section 5104.01 of the Revised Code; 2068

(vii) Facilities owned or operated by a school district 2069  
established under Chapter 3311. of the Revised Code, including 2070  
an educational service center, a community school established 2071  
under Chapter 3314. of the Revised Code, or a chartered or 2072  
nonchartered nonpublic school that meets minimum standards 2073  
established by the state board of education; 2074

(viii) State institutions of higher education as defined 2075  
in section 3345.011 of the Revised Code, nonprofit institutions 2076  
holding a certificate of authorization pursuant to Chapter 1713. 2077  
of the Revised Code, institutions holding a certificate of 2078  
registration from the state board of career colleges and schools 2079  
and program authorization for an associate or bachelor's degree 2080  
program issued under section 3332.05 of the Revised Code, and 2081  
private institutions exempt from regulation under Chapter 3332. 2082  
of the Revised Code as prescribed in section 3333.046 of the 2083  
Revised Code; 2084

(ix) Food processing establishments as defined in section 2085  
3715.021 of the Revised Code; 2086

(x) Any other site designated by rule. 2087

(e) Conduct authorized diagnostic inspections. 2088

(2) Divisions (A)(1)(a) to (d) of this section do not 2089  
apply to an individual who is acting as a trained serviceperson 2090  
under the direct supervision of a commercial applicator. 2091

(3) Licenses shall be issued for a period of time 2092  
established by rule and shall be renewed in accordance with 2093



deadlines established by rule. The fee for each such license 2094  
shall be established by rule. If a license is not issued or 2095  
renewed, the application fee shall be retained by the state as 2096  
payment for the reasonable expense of processing the 2097  
application. The director shall by rule classify by pesticide- 2098  
use category licenses to be issued under this section. A single 2099  
license may include more than one pesticide-use category. No 2100  
individual shall be required to pay an additional license fee if 2101  
the individual is licensed for more than one category. 2102

The fee for each license or renewal does not apply to an 2103  
applicant who is an employee of the department of agriculture 2104  
whose job duties require licensure as a commercial applicator as 2105  
a condition of employment. 2106

(B) Application for a commercial applicator license shall 2107  
be made on a form prescribed by the director. Each application 2108  
for a license shall state the pesticide-use category or 2109  
categories of license for which the applicant is applying and 2110  
other information that the director determines essential to the 2111  
administration of this chapter. 2112

(C) ~~If~~ (1) Except as provided in division (C) (2) of this 2113  
section, if the director finds that the applicant is competent 2114  
to apply pesticides and conduct diagnostic inspections and that 2115  
the applicant has passed both the general examination and each 2116  
applicable pesticide-use category examination as required under 2117  
division (A) of section 921.12 of the Revised Code, the director 2118  
shall issue a commercial applicator license limited to the 2119  
pesticide-use category or categories for which the applicant is 2120  
found to be competent. If the director rejects an application, 2121  
the director may explain why the application was rejected, 2122  
describe the additional requirements necessary for the applicant 2123

to obtain a license, and return the application. The applicant 2124  
may resubmit the application without payment of any additional 2125  
fee. 2126

(2) The director shall issue a commercial applicator 2127  
license in accordance with section 9.79 of the Revised Code to 2128  
an individual if either of the following applies: 2129

(a) The individual holds a commercial applicator license 2130  
in another state. 2131

(b) The individual has satisfactory work experience, a 2132  
government certification, or a private certification as 2133  
described in that section as a commercial applicator in a state 2134  
that does not issue that license. 2135

A license issued under this division shall be limited to 2136  
the pesticide-use category or categories for which the applicant 2137  
is licensed in another state or has satisfactory work 2138  
experience, a government certification, or a private 2139  
certification in that state. 2140

(D) (1) A person who is a commercial applicator shall be 2141  
deemed to hold a private applicator's license for purposes of 2142  
applying pesticides on agricultural commodities that are 2143  
produced by the commercial applicator. 2144

(2) A commercial applicator shall apply pesticides only in 2145  
the pesticide-use category or categories in which the applicator 2146  
is licensed under this chapter. 2147

(E) All money collected under this section shall be 2148  
credited to the pesticide, fertilizer, and lime program fund 2149  
created in section 921.22 of the Revised Code. 2150

**Sec. 921.11.** (A) (1) No individual shall apply restricted 2151

use pesticides unless the individual is one of the following: 2152

(a) Licensed under section 921.06 of the Revised Code; 2153

(b) Licensed under division (B) of this section; 2154

(c) A trained serviceperson who is acting under the direct 2155  
supervision of a commercial applicator; 2156

(d) An immediate family member or a subordinate employee 2157  
of a private applicator who is acting under the direct 2158  
supervision of that private applicator. 2159

(2) No individual shall directly supervise the application 2160  
of a restricted use pesticide unless the individual is one of 2161  
the following: 2162

(a) Licensed under section 921.06 of the Revised Code; 2163

(b) Licensed under division (B) of this section. 2164

(B) ~~The~~ (1) Subject to division (B) (2) of this section, 2165  
the director of agriculture shall adopt rules to establish 2166  
standards and procedures for the licensure of private 2167  
applicators. An individual shall apply for a private applicator 2168  
license to the director, on forms prescribed by the director. 2169  
The individual shall include in the application the pesticide- 2170  
use category or categories of the license for which the 2171  
individual is applying and any other information that the 2172  
director determines is essential to the administration of this 2173  
chapter. The fee for each license shall be established by rule. 2174  
Licenses shall be issued for a period of time established by 2175  
rule and shall be renewed in accordance with deadlines 2176  
established by rule. If a license is not issued or renewed, the 2177  
state shall retain any fee submitted as payment for reasonable 2178  
expenses of processing the application. 2179

(2) The director shall issue a private applicator license 2180  
in accordance with section 9.79 of the Revised Code to an 2181  
individual if either of the following applies: 2182

(a) The individual holds a private applicator license in 2183  
another state. 2184

(b) The individual has satisfactory work experience, a 2185  
government certification, or a private certification as 2186  
described in that section as a private applicator in a state 2187  
that does not issue that license. 2188

A license issued under this division shall be limited to 2189  
the pesticide-use category or categories for which the applicant 2190  
is licensed in another state or has satisfactory work 2191  
experience, a government certification, or a private 2192  
certification in that state. 2193

(C) An individual who is licensed under this section shall 2194  
use or directly supervise the use of a restricted use pesticide 2195  
only for the purpose of producing agricultural commodities on 2196  
property that is owned or rented by the individual or the 2197  
individual's employer. 2198

(D) All money collected under this section shall be 2199  
credited to the pesticide, fertilizer, and lime program fund 2200  
created in section 921.22 of the Revised Code. 2201

**Sec. 921.12.** (A) The director of agriculture shall require 2202  
each applicant for a license by examination under section 921.06 2203  
or 921.11 of the Revised Code to be examined on the applicant's 2204  
knowledge and competency in each of the following: 2205

(1) This chapter and rules adopted under it; 2206

(2) The proper use, handling, and application of 2207

pesticides and, if the applicant is applying for a license under 2208  
section 921.06 of the Revised Code, in the conducting of 2209  
diagnostic inspections in the pesticide-use categories for which 2210  
the applicant has applied. 2211

(B) Each application for renewal of a license provided for 2212  
in section 921.06 of the Revised Code shall be filed prior to 2213  
the deadline established by rule. If filed after the deadline, a 2214  
penalty of fifty per cent shall be assessed and added to the 2215  
original fee and shall be paid by the applicant before the 2216  
renewal license is issued. However, if a license issued under 2217  
section 921.06 or 921.11 of the Revised Code is not renewed 2218  
within one hundred eighty days after the date of expiration, the 2219  
licensee shall be required to take another examination on this 2220  
chapter and rules adopted under it and on the proper use, 2221  
handling, and application of pesticides and, if applicable, the 2222  
proper conducting of diagnostic inspections in the pesticide-use 2223  
categories for which the licensee has been licensed. 2224

(C) A person who fails to pass an examination under 2225  
division (A) or (B) of this section is not entitled to an 2226  
adjudication under Chapter 119. of the Revised Code for that 2227  
failure. 2228

(D) The holder of a commercial applicator license may 2229  
renew the license within one hundred eighty days after the date 2230  
of expiration without re-examination unless the director 2231  
determines that a new examination is necessary to insure that 2232  
the holder continues to meet the requirements of changing 2233  
technology and to assure a continuing level of competence and 2234  
ability to use pesticides safely and properly. 2235

(E) The holder of a private applicator license may renew 2236  
the license within one hundred eighty days after the date of 2237

expiration without re-examination unless the director determines 2238  
that a new examination is necessary to insure that the holder 2239  
continues to meet the requirements of changing technology and to 2240  
assure a continuing level of competence and ability to use 2241  
pesticides safely and properly. 2242

(F) Instead of requiring a commercial applicator or 2243  
private applicator to complete re-examination successfully under 2244  
division (D) or (E) of this section, the director may require, 2245  
in accordance with criteria established by rule, the commercial 2246  
applicator or private applicator to participate in training 2247  
programs that are designed to foster knowledge of new technology 2248  
and to ensure a continuing level of competence and ability to 2249  
use pesticides safely and properly. The director or the 2250  
director's representative may provide the training or may 2251  
authorize a third party to do so. In order for such 2252  
authorization to occur, the third party and its training program 2253  
shall comply with standards and requirements established by 2254  
rule. 2255

**Sec. 921.24.** No person shall do any of the following: 2256

(A) Apply, use, directly supervise such application or 2257  
use, or recommend a pesticide for use inconsistent with the 2258  
pesticide's labeling, treatment standards, or other restrictions 2259  
imposed by the director of agriculture; 2260

(B) Act as a commercial applicator without being licensed 2261  
to do so; 2262

(C) Use any restricted use pesticide, unless the person is 2263  
licensed to do so, is a trained serviceperson acting under the 2264  
direct supervision of a commercial applicator, or is an 2265  
immediate family member or a subordinate employee of a private 2266

applicator under the direct supervision of that private	2267
applicator;	2268
(D) Refuse or fail to keep or maintain records required by	2269
the director in rules adopted under this chapter, or to make	2270
reports when and as required by the director in rules adopted	2271
under this chapter;	2272
(E) Falsely or fraudulently represent the effect of	2273
pesticides or methods to be utilized;	2274
(F) Apply known ineffective or improper materials;	2275
(G) Operate in a negligent manner, which includes the	2276
operation of faulty or unsafe equipment;	2277
(H) Impersonate any federal, state, county, or municipal	2278
official;	2279
(I) Make false or fraudulent records, invoices, or	2280
reports;	2281
(J) Fail to provide training to trained servicepersons in	2282
the application of pesticides;	2283
(K) Fail to provide direct supervision as specified in	2284
rules adopted under division (C) of section 921.16 of the	2285
Revised Code;	2286
(L) Distribute a misbranded or adulterated pesticide;	2287
(M) Use fraud or misrepresentation in making application	2288
for a license or registration or renewal of a license or	2289
registration;	2290
(N) Refuse, fail, or neglect to comply with any limitation	2291
or restriction of a license or registration issued under this	2292
chapter or rules adopted thereunder;	2293

(O) Aid or abet a licensee or another person in violating this chapter or rules adopted thereunder;	2294 2295
(P) Make a false or misleading statement in an inspection concerning any infestation of pests or the use of pesticides;	2296 2297
(Q) Refuse or fail to comply with this chapter, the rules adopted thereunder, or any lawful order of the director;	2298 2299
(R) Distribute restricted use pesticides to the ultimate user without a pesticide dealer's license;	2300 2301
(S) Except as provided in division (F) of section 921.26 of the Revised Code, distribute restricted use pesticides to an ultimate user who is not licensed under section 921.06, <del>921.08</del> , or 921.11 of the Revised Code and rules adopted under this chapter;	2302 2303 2304 2305 2306
(T) Use any pesticide that is under an experimental use permit contrary to the provisions of the permit;	2307 2308
(U) Engage in fraudulent business practices;	2309
(V) Dispose of any pesticide product or container in such a manner as to have unreasonable adverse effects on the environment;	2310 2311 2312
(W) Display any pesticide in any manner to produce unreasonable adverse effects on the environment, or to contaminate adjacent food, feed, or other products;	2313 2314 2315
(X) Apply any pesticide by aircraft without being licensed as a commercial applicator;	2316 2317
(Y) Distribute a pesticide that is not registered with the director;	2318 2319
(Z) Fail to properly supervise a trained serviceperson.	2320



Sec. 921.26. (A) The penalties provided for violations of 2321  
this chapter do not apply to any of the following: 2322

(1) Any carrier while lawfully engaged in transporting a 2323  
pesticide or device within this state, if that carrier, upon 2324  
request, permits the director of agriculture to copy all records 2325  
showing the transactions in the movement of the pesticides or 2326  
devices; 2327

(2) Public officials of this state and the federal 2328  
government, other than commercial applicators employed by the 2329  
federal government, the state, or a political subdivision, while 2330  
engaged in the performance of their official duties in 2331  
administering state or federal pesticide laws or rules, or while 2332  
engaged in pesticide research; 2333

(3) The manufacturer or shipper of a pesticide for 2334  
experimental use only by or under supervision of an agency of 2335  
this state or of the federal government authorized by law to 2336  
conduct research in the field of pesticides, provided that the 2337  
manufacturer or shipper is not required to obtain an 2338  
experimental use permit from the United States environmental 2339  
protection agency; 2340

(4) The manufacturer or shipper of a substance being 2341  
tested in which its purpose only is to determine its value for 2342  
pesticide purposes or to determine its toxicity or other 2343  
properties, and from which the user does not expect to receive 2344  
any benefit in pest control from its use; 2345

(5) Persons conducting laboratory research involving 2346  
pesticides; 2347

(6) Persons who incidentally use pesticides. The 2348  
incidental use shall involve only the application of general use 2349

pesticides. If a person incidentally uses a pesticide, the 2350  
pesticide shall be applied in strict accordance with the 2351  
manufacturer's label for general use purposes. If further 2352  
applications are necessary following the incidental use 2353  
application, a pesticide applicator shall apply the pesticide. 2354

(B) No pesticide or device shall be considered in 2355  
violation of this chapter when intended solely for export to a 2356  
foreign country, and when prepared or packed according to the 2357  
specifications or directions of the purchaser. If the pesticide 2358  
or device is not so exported, this chapter applies. 2359

(C) No person who is licensed, regulated, or registered 2360  
under section 921.02, 921.03, 921.06, ~~921.08~~, 921.09, 921.11, or 2361  
921.13 of the Revised Code shall be required to obtain a license 2362  
or permit to operate or to be otherwise regulated in such 2363  
capacity by any local ordinance, or to meet any other condition 2364  
except as otherwise provided by statute or rule of the United 2365  
States or of this state. 2366

(D) Section 921.09 of the Revised Code does not apply to 2367  
an individual who uses only ground equipment for the individual 2368  
or for the individual's neighbors, provided that the individual 2369  
meets all of the following requirements: 2370

(1) Is licensed under section 921.11 of the Revised Code; 2371

(2) Operates farm property and operates and maintains 2372  
pesticide application equipment primarily for the individual's 2373  
own use; 2374

(3) Is not regularly engaged in the business of applying 2375  
pesticides for hire or does not publicly hold oneself out as a 2376  
pesticide applicator; 2377

(4) Meets any other requirement established by rule. 2378

(E) Section 921.06 of the Revised Code relating to 2379  
licenses and requirements for their issuance does not apply to 2380  
licensed physicians or veterinarians applying pesticides to 2381  
human beings or other animals during the normal course of their 2382  
practice, provided that they are not regularly engaged in the 2383  
business of applying pesticides for hire amounting to a 2384  
principal or regular occupation or do not publicly hold 2385  
themselves out as commercial applicators. 2386

(F) Division (S) of section 921.24 of the Revised Code 2387  
does not apply to a pesticide dealer who distributes restricted 2388  
use pesticides to a nonresident who is licensed in another state 2389  
having a state plan approved by the United States environmental 2390  
protection agency. 2391

**Sec. 926.30.** (A) No licensed handler or employee of a 2392  
licensed handler who receives an agricultural commodity from a 2393  
producer, either for sale or for storage under a bailment 2394  
agreement, shall perform a quality test on the commodity for the 2395  
purpose of applying a premium, discount, or conditioning charge 2396  
unless the person making the test has passed an examination on 2397  
the subject that is approved by the director of agriculture. 2398  
~~Upon-Except as provided in division (D) of this section, upon~~ 2399  
application by a person who has passed the examination, the 2400  
director shall issue to the person an agricultural commodity 2401  
tester certificate that shall be valid for a period of three 2402  
years. Except as otherwise provided in this division, an 2403  
agricultural commodity tester shall pass an examination on 2404  
agricultural commodity testing approved by the director prior to 2405  
each renewal of a certificate. The director may exempt from the 2406  
examination requirement for certificate renewal an agricultural 2407  
commodity tester who, during the year prior to expiration of the 2408  
certificate, successfully completes training on agricultural 2409

commodity testing that has been approved by the director. The 2410  
director shall establish by rule standards that such training 2411  
must meet in order to be approved by the director. The rules 2412  
shall require the training to include instructions in the use of 2413  
the official grain standards of the United States as a basis for 2414  
determining the quality of the commodities tested by an 2415  
agricultural commodity tester. An agricultural commodity tester 2416  
certificate issued prior to ~~the effective date of this amendment~~ 2417  
July 29, 1998, shall be considered to be valid until the date on 2418  
which, at the time of issuance, it was scheduled to expire. Upon 2419  
expiration of the certificate, the examination requirement for 2420  
renewal shall apply. 2421

(B) The director may determine that retraining or review 2422  
is necessary for the tester as a result of changes in or 2423  
amendments to the official grain standards of the United States, 2424  
or if the director has reason to believe that retraining is 2425  
necessary as a result of complaints relating to the tester's 2426  
inability to accurately test commodities according to the 2427  
official grain standards. A fee to cover the cost of issuing 2428  
certificates and administering the educational program shall be 2429  
established by rule of the director adopted under Chapter 119. 2430  
of the Revised Code and shall be deposited into the commodity 2431  
handler regulatory program fund created in section 926.19 of the 2432  
Revised Code. 2433

(C) The director may suspend or revoke the certificate of 2434  
an agricultural commodity tester in accordance with Chapter 119. 2435  
of the Revised Code for failure or inability of the tester to 2436  
apply the official grain standards of the United States in 2437  
testing the quality of an agricultural commodity. 2438

(D) The director shall issue an agricultural commodity 2439

tester certificate in accordance with section 9.79 of the 2440  
Revised Code to an individual if either of the following 2441  
applies: 2442

(1) The individual holds a license or certificate in 2443  
another state. 2444

(2) The individual has satisfactory work experience, a 2445  
government certification, or a private certification as 2446  
described in that section as a agricultural commodity tester in 2447  
a state that does not issue that license. 2448

**Sec. 928.02.** (A) (1) The director of agriculture shall 2449  
establish a program to monitor and regulate hemp cultivation and 2450  
processing in this state. Under the program, the director shall 2451  
issue hemp cultivation licenses and hemp processing licenses in 2452  
accordance with rules adopted under section 928.03 of the 2453  
Revised Code. 2454

(2) As authorized by the director, the department of 2455  
agriculture or a university may cultivate or process hemp 2456  
without a hemp cultivation license or hemp processing license 2457  
for research purposes. 2458

(B) Except as authorized under division (A) (2) or (E) of 2459  
this section, any person that wishes to cultivate hemp shall 2460  
apply for and obtain a hemp cultivation license from the 2461  
director in accordance with rules adopted under section 928.03 2462  
of the Revised Code. Except as authorized under division (A) (2) 2463  
or (E) of this section, any person that wishes to process hemp 2464  
shall apply for and obtain a hemp processing license from the 2465  
director in accordance with those rules. Such licenses are valid 2466  
for three years unless earlier suspended or revoked by the 2467  
director. 2468

(C) The department, a university, or any person may, 2469  
without a hemp cultivation license or hemp processing license, 2470  
possess, buy, or sell hemp or a hemp product. 2471

(D) Notwithstanding any other provision of the Revised 2472  
Code to the contrary, the addition of hemp or a hemp product to 2473  
any other product does not adulterate that other product. 2474

(E) The director shall issue a hemp cultivation license or 2475  
hemp processing license in accordance with section 9.79 of the 2476  
Revised Code to an individual if either of the following 2477  
applies: 2478

(1) The individual holds the applicable license in another 2479  
state. 2480

(2) The individual has satisfactory work experience, a 2481  
government certification, or a private certification as 2482  
described in that section as a hemp cultivator or hemp processor 2483  
in a state that does not issue the applicable license. 2484

**Sec. 943.09. Licenses**—(A) Except as provided in division 2485  
(B) of this section, licenses shall be issued by the department 2486  
of agriculture to weighers under such rules and regulations as 2487  
the department shall prescribe. Each weigher shall display ~~his~~ 2488  
the weigher's license in a conspicuous place on or adjacent to 2489  
the weighing facility operated by such weigher. A weigher's 2490  
license may be revoked for a violation of section 943.11 of the 2491  
Revised Code or of the rules and regulations of the department 2492  
relating thereto. The license of any weigher convicted of a 2493  
violation of such section shall be promptly revoked. A weigher's 2494  
license, unless revoked, shall expire on the thirty-first day of 2495  
March of each year and shall be renewed according to the 2496  
standard renewal procedure of sections 4745.01 to 4745.03, 2497

inclusive, of the Revised Code. 2498

(B) The director of agriculture shall issue a weigher's 2499  
license in accordance with section 9.79 of the Revised Code to 2500  
an individual if either of the following applies: 2501

(1) The individual holds a license in another state. 2502

(2) The individual has satisfactory work experience, a 2503  
government certification, or a private certification as 2504  
described in that section as a weigher in a state that does not 2505  
issue that license. 2506

**Sec. 956.05.** (A) (1) No person shall act as or perform the 2507  
functions of a dog broker in this state without a dog broker 2508  
license issued by the director of agriculture in accordance with 2509  
this section and rules adopted under section 956.03 of the 2510  
Revised Code. 2511

(2) The director shall not issue a license under this 2512  
section unless the director determines that the applicant will 2513  
act as or perform the functions of a dog broker in accordance 2514  
with this chapter and rules adopted under it. 2515

(B) A person who is proposing to act as or perform the 2516  
functions of a dog broker shall submit an application for a 2517  
license to the director. During the month of December, but 2518  
before the first day of January of the next year, a person who 2519  
is proposing to continue to act as or perform the functions of a 2520  
dog broker shall obtain a license from the director for the 2521  
following year. 2522

(C) The director shall issue a dog broker license in 2523  
accordance with section 9.79 of the Revised Code to a person if 2524  
either of the following applies: 2525

(1) The person holds a license in another state. 2526

(2) The person has satisfactory work experience, a 2527  
government certification, or a private certification as 2528  
described in that section as a dog broker in a state that does 2529  
not issue that license. 2530

**Sec. 956.06.** (A) (1) No person shall operate an animal 2531  
rescue for dogs without first registering with the director of 2532  
agriculture in accordance with division (C) of this section or 2533  
rules adopted under section 956.03 of the Revised Code, as 2534  
applicable. A registration is valid for one year. 2535

(2) A registration may be renewed. An application for 2536  
renewal shall be submitted to the director at least ninety days 2537  
prior to the expiration of the registration. 2538

(3) The director shall not charge a registration fee to an 2539  
animal rescue for dogs. However, if a person fails to renew a 2540  
registration prior to its expiration, the director shall charge 2541  
the person a late renewal fee of two hundred dollars. 2542

(B) The director shall maintain a database of all persons 2543  
that are registered to operate an animal rescue for dogs in this 2544  
state. 2545

(C) The director shall issue an animal rescue license for 2546  
dogs registration in accordance with section 9.79 of the Revised 2547  
Code to a person if either of the following applies: 2548

(1) The person holds a license or registration in another 2549  
state. 2550

(2) The person has satisfactory work experience, a 2551  
government certification, or a private certification as 2552  
described in that section as an animal rescue for dogs operator 2553



in a state that does not issue that license or registration. 2554

**Sec. 1315.23.** (A) Upon the filing of an application for an 2555  
original license to engage in the business of cashing checks, 2556  
and the payment of the fees for investigation and licensure, the 2557  
superintendent of financial institutions shall investigate the 2558  
financial condition and responsibility, character, and general 2559  
fitness of the applicant. As part of that investigation, the 2560  
superintendent shall request that the superintendent of the 2561  
bureau of criminal identification and investigation investigate 2562  
and determine, with respect to the applicant, whether the bureau 2563  
has any information gathered under section 109.57 of the Revised 2564  
Code that pertains to that applicant. 2565

(B) ~~The (1) Except as provided in division (B) (2) of this~~ 2566  
section, the superintendent shall issue a license, which shall 2567  
apply to all check-cashing business locations of the applicant, 2568  
if the superintendent determines that the applicant meets all 2569  
the following requirements: 2570

~~(1) (a)~~ The applicant is financially sound and has a net 2571  
worth of at least twenty-five thousand dollars. The applicant's 2572  
net worth shall be computed according to generally accepted 2573  
accounting principles. The applicant shall maintain a net worth 2574  
of at least twenty-five thousand dollars throughout the 2575  
licensure period. 2576

~~(2) (b)~~ The applicant is a person of good character and 2577  
has the ability and fitness in the capacity involved to engage 2578  
in the business of cashing checks. 2579

~~(3) (c)~~ The applicant has not been convicted of, or has 2580  
not pleaded guilty or no contest to, a felony. 2581

~~(4) (d)~~ The applicant has never had a check-cashing 2582

license revoked. 2583

(2) The superintendent shall issue a license to engage in 2584  
the business of cashing checks in accordance with section 9.79 2585  
to an applicant if either of the following applies: 2586

(a) The applicant holds a license in another state. 2587

(b) The applicant has satisfactory work experience, a 2588  
government certification, or a private certification as 2589  
described in that section in the business of cashing checks in a 2590  
state that does not issue that license. 2591

(C) (1) A license issued to a check-cashing business shall 2592  
remain in full force and effect through the thirty-first day of 2593  
December following its date of issuance, unless earlier 2594  
surrendered, suspended, or revoked. 2595

(2) Each check-cashing business shall conspicuously post 2596  
and at all times display in every business location its check- 2597  
cashing license. No check-cashing license is transferable or 2598  
assignable. 2599

(D) A check-cashing business voluntarily may surrender its 2600  
license at any time by giving written notice to the 2601  
superintendent and sending, by certified mail, to the 2602  
superintendent all license documents issued to it pursuant to 2603  
sections 1315.21 to 1315.28 of the Revised Code. 2604

(E) (1) A check-cashing business annually may apply to the 2605  
superintendent for a renewal of its license on or after the 2606  
first day of December of the year in which its existing license 2607  
expires. 2608

(2) If a check-cashing business files an application for a 2609  
renewal license with the superintendent before the first day of 2610

January of any year, the license sought to be renewed shall 2611  
continue in full force and effect until the issuance by the 2612  
superintendent of the renewal license applied for or until ten 2613  
days after the superintendent has given the check-cashing 2614  
business notice of the superintendent's refusal to issue a 2615  
renewal license. 2616

(F) The superintendent may suspend, revoke, or refuse an 2617  
original or renewal license for failure to comply with this 2618  
section or for any violation of section 1315.28 of the Revised 2619  
Code. If a suspension, revocation, or refusal of an original or 2620  
renewal license is based on a violation of section 1315.28 of 2621  
the Revised Code that is committed, without the licensee's 2622  
knowledge, at a check-cashing business location of the licensee, 2623  
the suspension or revocation applies only to that check-cashing 2624  
business location. In all other cases, a suspension, revocation, 2625  
or refusal of an original or renewal license applies to all 2626  
check-cashing business locations of the licensee. 2627

(G) No original or renewal license shall be suspended, 2628  
revoked, or refused except after a hearing in accordance with 2629  
Chapter 119. of the Revised Code. In suspending a license under 2630  
this division, the superintendent shall establish the length of 2631  
the suspension, provided that no suspension may be for a period 2632  
exceeding one year. The superintendent's decision to revoke, 2633  
suspend, or refuse an original or renewal license may be 2634  
appealed pursuant to Chapter 119. of the Revised Code. 2635

(H) Upon revocation of a license, the licensee shall 2636  
immediately send, by certified mail, all license documents 2637  
issued pursuant to sections 1310.21 to 1310.28 of the Revised 2638  
Code to the superintendent. 2639

(I) The superintendent may, in lieu of a suspension or 2640

revocation of a license, impose a fine of not more than one 2641  
thousand dollars for each violation. 2642

**Sec. 1321.04.** ~~Upon (A)~~ Except as otherwise provided in 2643  
division (B) of this section, upon the filing of an application 2644  
under section 1321.03 of the Revised Code and payment of fees 2645  
pursuant to section 1321.20 of the Revised Code, the division of 2646  
financial institutions shall investigate the facts concerning 2647  
the applicant and the requirements provided for in divisions (A) 2648  
(1) and ~~(B) (2)~~ of this section. 2649

The division shall approve the application and issue and 2650  
deliver a license to the applicant if the division finds both of 2651  
the following: 2652

~~(A) (1)~~ That the financial responsibility, experience, 2653  
reputation, and general fitness of the applicant and of the 2654  
members thereof, if the applicant is a partnership or an 2655  
association, and of the officers and directors thereof, if the 2656  
applicant is a corporation, are such as to warrant the belief 2657  
that the business will be operated lawfully, honestly, and 2658  
fairly under sections 1321.01 to 1321.19 of the Revised Code and 2659  
within the purposes of those sections, that the applicant has 2660  
fully complied with those sections, and that the applicant is 2661  
qualified to act as a licensed lender; 2662

~~(B) (2)~~ That the applicant has available for the operation 2663  
of such business cash or moneys deposited in a readily 2664  
accessible fund or account of not less than twenty-five thousand 2665  
dollars. 2666

If the division does not so find, it shall enter an order 2667  
denying such application and forthwith notify the applicant of 2668  
the denial, the grounds for the denial, and the applicant's 2669

reasonable opportunity to be heard on the action in accordance 2670  
with Chapter 119. of the Revised Code. In the event of denial, 2671  
the division shall return the license fee but shall retain the 2672  
investigation fee. 2673

(B) The division shall issue and deliver a license in 2674  
accordance with section 9.79 of the Revised Code to an applicant 2675  
if either of the following applies: 2676

(1) The applicant holds a license in another state. 2677

(2) The applicant has satisfactory work experience, a 2678  
government certification, or a private certification as 2679  
described in that section in the business of lending money, 2680  
credit, or choses in action in amounts of five thousand dollars 2681  
or less in a state that does not issue that license. 2682

**Sec. 1321.37.** (A) Application for an original or renewal 2683  
license to make short-term loans shall be in writing, under 2684  
oath, and in the form prescribed by the superintendent of 2685  
financial institutions, and shall contain the name and address 2686  
of the applicant, the location where the business of making 2687  
loans is to be conducted, and any further information as the 2688  
superintendent requires. At the time of making an application 2689  
for an original license, the applicant shall pay to the 2690  
superintendent a nonrefundable investigation fee of two hundred 2691  
dollars. No investigation fee or any portion thereof shall be 2692  
refunded after an original license has been issued. The 2693  
application for an original or renewal license shall be 2694  
accompanied by an original or renewal license fee, for each 2695  
business location of one thousand dollars, except that 2696  
applications for original licenses issued on or after the first 2697  
day of July for any year shall be accompanied by an original 2698  
license fee of five hundred dollars, and except that an 2699

application for an original or renewal license, for a nonprofit 2700  
corporation that is incorporated under Chapter 1702. of the 2701  
Revised Code, shall be accompanied by an original or renewal 2702  
license fee, for each business location, that is one-half of the 2703  
fee otherwise required. All fees paid to the superintendent 2704  
pursuant to this division shall be deposited into the state 2705  
treasury to the credit of the consumer finance fund. 2706

(B) Upon the filing of an application for an original 2707  
license and, with respect to an application filed for a renewal 2708  
license, on a schedule determined by the superintendent by rule 2709  
adopted pursuant to section 1321.43 of the Revised Code, and the 2710  
payment of fees in accordance with division (A) of this section, 2711  
the superintendent shall investigate the facts concerning the 2712  
applicant and the requirements provided by this division. The 2713  
superintendent shall request the superintendent of the bureau of 2714  
criminal identification and investigation, or a vendor approved 2715  
by the bureau, to conduct a criminal records check based on the 2716  
applicant's fingerprints in accordance with section 109.572 of 2717  
the Revised Code. Notwithstanding division (K) of section 121.08 2718  
of the Revised Code, the superintendent of financial 2719  
institutions shall request that criminal record information from 2720  
the federal bureau of investigation be obtained as part of the 2721  
criminal records check. The superintendent of financial 2722  
institutions shall conduct a civil records check. The 2723  
superintendent shall approve an application and issue an 2724  
original or renewal license to the applicant if the 2725  
superintendent finds all of the following: 2726

(1) The financial responsibility, experience, reputation, 2727  
and general fitness of the applicant are such as to warrant the 2728  
belief that the business of making loans will be operated 2729  
lawfully, honestly, and fairly under sections 1321.35 to 1321.48 2730

of the Revised Code and within the purposes of those sections; 2731  
that the applicant has fully complied with those sections and 2732  
any rule or order adopted or issued pursuant to section 1321.43 2733  
of the Revised Code; and that the applicant is qualified to 2734  
engage in the business of making loans under sections 1321.35 to 2735  
1321.48 of the Revised Code. 2736

(2) The applicant is financially sound and has a net worth 2737  
of not less than one hundred thousand dollars, or in the case of 2738  
a nonprofit corporation that is incorporated under Chapter 1702. 2739  
of the Revised Code, a net worth of not less than fifty thousand 2740  
dollars. The applicant's net worth shall be computed according 2741  
to generally accepted accounting principles. 2742

(3) The applicant has never had revoked a license to make 2743  
loans under sections 1321.35 to 1321.48 of the Revised Code, 2744  
under former sections 1315.35 to 1315.44 of the Revised Code, or 2745  
to do business under sections 1315.21 to 1315.30 of the Revised 2746  
Code. 2747

(4) Neither the applicant nor any senior officer, or 2748  
partner of the applicant, has pleaded guilty to or been 2749  
convicted of any criminal offense involving theft, receiving 2750  
stolen property, embezzlement, forgery, fraud, passing bad 2751  
checks, money laundering, or drug trafficking, or any criminal 2752  
offense involving money or securities or any violation of an 2753  
existing or former law of this state, any other state, or the 2754  
United States that substantially is equivalent to a criminal 2755  
offense described in that division. However, if the applicant or 2756  
any of those other persons has pleaded guilty to or been 2757  
convicted of any such offense other than theft, the 2758  
superintendent shall not consider the offense if the applicant 2759  
has proven to the superintendent, by a preponderance of the 2760

evidence, that the applicant's or other person's activities and 2761  
employment record since the conviction show that the applicant 2762  
or other person is honest, truthful, and of good reputation, and 2763  
there is no basis in fact for believing that the applicant or 2764  
other person will commit such an offense again. 2765

(5) Neither the applicant nor any senior officer, or 2766  
partner of the applicant, has been subject to any adverse 2767  
judgment for conversion, embezzlement, misappropriation of 2768  
funds, fraud, misfeasance or malfeasance, or breach of fiduciary 2769  
duty, or if the applicant or any of those other persons has been 2770  
subject to such a judgment, the applicant has proven to the 2771  
superintendent, by a preponderance of the evidence, that the 2772  
applicant's or other person's activities and employment record 2773  
since the judgment show that the applicant or other person is 2774  
honest, truthful, and of good reputation, and there is no basis 2775  
in fact for believing that the applicant or other person will be 2776  
subject to such a judgment again. 2777

(C) If the superintendent finds that the applicant does 2778  
not meet the requirements of division (B) of this section, or 2779  
the superintendent finds that the applicant knowingly or 2780  
repeatedly contracts with or employs persons to directly engage 2781  
in lending activities who have been convicted of a felony crime 2782  
listed in division (B) (5) of this section, the superintendent 2783  
shall issue an order denying the application for an original or 2784  
renewal license and giving the applicant an opportunity for a 2785  
hearing on the denial in accordance with Chapter 119. of the 2786  
Revised Code. The superintendent shall notify the applicant of 2787  
the denial, the grounds for the denial, and the applicant's 2788  
opportunity for a hearing. If the application is denied, the 2789  
superintendent shall return the annual license fee but shall 2790  
retain the investigation fee. 2791



(D) No person licensed under sections 1321.35 to 1321.48 2792  
of the Revised Code shall conduct business in this state unless 2793  
the licensee has obtained and maintains in effect at all times a 2794  
corporate surety bond issued by a bonding company or insurance 2795  
company authorized to do business in this state. The bond shall 2796  
be in favor of the superintendent and in the penal sum of at 2797  
least one hundred thousand dollars, or in the case of a 2798  
nonprofit corporation that is incorporated under Chapter 1702. 2799  
of the Revised Code, in the amount of fifty thousand dollars. 2800  
The term of the bond shall coincide with the term of the 2801  
license. The licensee shall file a copy of the bond with the 2802  
superintendent. The bond shall be for the exclusive benefit of 2803  
any borrower injured by a violation by a licensee or any 2804  
employee of a licensee, of any provision of sections 1321.35 to 2805  
1321.48 of the Revised Code. 2806

(E) Notwithstanding any provision of this section to the 2807  
contrary, the superintendent shall issue an original license in 2808  
accordance with section 9.79 of the Revised Code to an applicant 2809  
if either of the following applies: 2810

(1) The applicant holds a license in another state. 2811

(2) The applicant has satisfactory work experience, a 2812  
government certification, or a private certification as 2813  
described in that section as a short-term lender in a state that 2814  
does not issue that license. 2815

**Sec. 1321.53.** (A) (1) An application for a certificate of 2816  
registration under sections 1321.51 to 1321.60 of the Revised 2817  
Code shall contain an undertaking by the applicant to abide by 2818  
those sections. The application shall be in writing, under oath, 2819  
and in the form prescribed by the division of financial 2820  
institutions, and shall contain any information that the 2821

division may require. Applicants that are foreign corporations 2822  
shall obtain and maintain a license pursuant to Chapter 1703. of 2823  
the Revised Code before a certificate is issued or renewed. 2824

(2) Upon the filing of the application and the payment by 2825  
the applicant of a nonrefundable two-hundred-dollar 2826  
investigation fee and a nonrefundable three-hundred-dollar 2827  
annual registration fee, the division shall investigate the 2828  
relevant facts. If the application involves investigation 2829  
outside this state, the applicant may be required by the 2830  
division to advance sufficient funds to pay any of the actual 2831  
expenses of such investigation, when it appears that these 2832  
expenses will exceed two hundred dollars. An itemized statement 2833  
of any of these expenses which the applicant is required to pay 2834  
shall be furnished to the applicant by the division. No 2835  
certificate shall be issued unless all the required fees have 2836  
been submitted to the division. 2837

(3) The investigation undertaken upon application shall 2838  
include both a civil and criminal records check of the applicant 2839  
including any individual whose identity is required to be 2840  
disclosed in the application. Where the applicant is a business 2841  
entity the superintendent shall have the authority to require a 2842  
civil and criminal background check of those persons that in the 2843  
determination of the superintendent have the authority to direct 2844  
and control the operations of the applicant. 2845

(4) (a) Notwithstanding division (K) of section 121.08 of 2846  
the Revised Code, the superintendent of financial institutions 2847  
shall obtain a criminal history records check and, as part of 2848  
that records check, request that criminal record information 2849  
from the federal bureau of investigation be obtained. To fulfill 2850  
this requirement, the superintendent shall request the 2851

superintendent of the bureau of criminal identification and 2852  
investigation, or a vendor approved by the bureau, to conduct a 2853  
criminal records check based on the applicant's fingerprints or, 2854  
if the fingerprints are unreadable, based on the applicant's 2855  
social security number, in accordance with section 109.572 of 2856  
the Revised Code. 2857

(b) Any fee required under division (C)(3) of section 2858  
109.572 of the Revised Code shall be paid by the applicant. 2859

(5) If an application for a certificate of registration 2860  
does not contain all of the information required under division 2861  
(A) of this section, and if such information is not submitted to 2862  
the division within ninety days after the superintendent 2863  
requests the information in writing, including by electronic 2864  
transmission or facsimile, the superintendent may consider the 2865  
application withdrawn. 2866

(6) If the division finds that the financial 2867  
responsibility, experience, character, and general fitness of 2868  
the applicant command the confidence of the public and warrant 2869  
the belief that the business will be operated honestly and 2870  
fairly in compliance with the purposes of sections 1321.51 to 2871  
1321.60 of the Revised Code and the rules adopted thereunder, 2872  
and that the applicant has the applicable net worth and assets 2873  
required by division ~~(B)~~ (C) of this section, the division shall 2874  
thereupon issue a certificate of registration to the applicant. 2875  
The superintendent shall not use a credit score as the sole 2876  
basis for a registration denial. 2877

(a)(i) Certificates of registration issued on or after 2878  
July 1, 2010, shall annually expire on the thirty-first day of 2879  
December, unless renewed by the filing of a renewal application 2880  
and payment of a three-hundred-dollar nonrefundable annual 2881

registration fee and any assessment as determined by the 2882  
superintendent pursuant to division (A) (6) (a) (ii) of this 2883  
section on or before the last day of December of each year. No 2884  
other fee or assessment shall be required of a registrant by the 2885  
state or any political subdivision of this state. 2886

(ii) If the renewal fees billed by the superintendent 2887  
pursuant to division (A) (6) (a) (i) of this section are less than 2888  
the estimated expenditures of the consumer finance section of 2889  
the division of financial institutions, as determined by the 2890  
superintendent, for the following fiscal year, the 2891  
superintendent may assess each registrant at a rate sufficient 2892  
to equal in the aggregate the difference between the renewal 2893  
fees billed and the estimated expenditures. Each registrant 2894  
shall pay the assessed amount to the superintendent prior to the 2895  
last day of June. In no case shall the assessment exceed ten 2896  
cents per each one hundred dollars of interest (excluding 2897  
charge-off recoveries), points, loan origination charges, and 2898  
credit line charges collected by that registrant during the 2899  
previous calendar year. If such an assessment is imposed, it 2900  
shall not be less than two hundred fifty dollars per registrant 2901  
and shall not exceed thirty thousand dollars less the total 2902  
renewal fees paid pursuant to division (A) (6) (a) (i) of this 2903  
section by each registrant. 2904

(b) Registrants shall timely file renewal applications on 2905  
forms prescribed by the division and provide any further 2906  
information that the division may require. If a renewal 2907  
application does not contain all of the information required 2908  
under this section, and if that information is not submitted to 2909  
the division within ninety days after the superintendent 2910  
requests the information in writing, including by electronic 2911  
transmission or facsimile, the superintendent may consider the 2912

application withdrawn. 2913

(c) Renewal shall not be granted if the applicant's 2914  
certificate of registration is subject to an order of 2915  
suspension, revocation, or an unpaid and past due fine imposed 2916  
by the superintendent. 2917

(d) If the division finds the applicant does not meet the 2918  
conditions set forth in this section, it shall issue a notice of 2919  
intent to deny the application, and forthwith notify the 2920  
applicant of the denial, the grounds for the denial, and the 2921  
applicant's reasonable opportunity to be heard on the action in 2922  
accordance with Chapter 119. of the Revised Code. 2923

(7) If there is a change of five per cent or more in the 2924  
ownership of a registrant, the division may make any 2925  
investigation necessary to determine whether any fact or 2926  
condition exists that, if it had existed at the time of the 2927  
original application for a certificate of registration, the fact 2928  
or condition would have warranted the division to deny the 2929  
application under division (A) (6) of this section. If such a 2930  
fact or condition is found, the division may, in accordance with 2931  
Chapter 119. of the Revised Code, revoke the registrant's 2932  
certificate. 2933

(B) Notwithstanding division (A) of this section, the 2934  
division shall issue a certificate of registration in accordance 2935  
with section 9.79 of the Revised Code to an applicant if either 2936  
of the following applies: 2937

(1) The applicant holds a license or certificate in 2938  
another state. 2939

(2) The applicant has satisfactory work experience, a 2940  
government certification, or a private certification as 2941

described in that section as a general loan lender in a state 2942  
that does not issue that license. 2943

(C) Each registrant that engages in lending under sections 2944  
1321.51 to 1321.60 of the Revised Code shall maintain both of 2945  
the following: 2946

(1) A net worth of at least fifty thousand dollars; 2947

(2) For each certificate of registration, assets of at 2948  
least fifty thousand dollars either in use or readily available 2949  
for use in the conduct of the business. 2950

~~(C)~~ (D) Not more than one place of business shall be 2951  
maintained under the same certificate, but the division may 2952  
issue additional certificates to the same registrant upon 2953  
compliance with sections 1321.51 to 1321.60 of the Revised Code, 2954  
governing the issuance of a single certificate. No change in the 2955  
place of business of a registrant to a location outside the 2956  
original municipal corporation shall be permitted under the same 2957  
certificate without the approval of a new application, the 2958  
payment of the registration fee and, if required by the 2959  
superintendent, the payment of an investigation fee of two 2960  
hundred dollars. When a registrant wishes to change its place of 2961  
business within the same municipal corporation, it shall give 2962  
written notice of the change in advance to the division, which 2963  
shall provide a certificate for the new address without cost. If 2964  
a registrant changes its name, prior to making loans under the 2965  
new name it shall give written notice of the change to the 2966  
division, which shall provide a certificate in the new name 2967  
without cost. Sections 1321.51 to 1321.60 of the Revised Code do 2968  
not limit the loans of any registrant to residents of the 2969  
community in which the registrant's place of business is 2970  
situated. Each certificate shall be kept conspicuously posted in 2971

the place of business of the registrant and is not transferable 2972  
or assignable. 2973

~~(D)~~ (E) Sections 1321.51 to 1321.60 of the Revised Code do 2974  
not apply to any of the following: 2975

(1) Entities chartered and lawfully doing business under 2976  
the authority of any law of this state, another state, or the 2977  
United States as a bank, savings bank, trust company, savings 2978  
and loan association, or credit union, or a subsidiary of any 2979  
such entity, which subsidiary is regulated by a federal banking 2980  
agency and is owned and controlled by such a depository 2981  
institution; 2982

(2) Life, property, or casualty insurance companies 2983  
licensed to do business in this state; 2984

(3) Any person that is a lender making a loan pursuant to 2985  
sections 1321.01 to 1321.19 or sections 1321.62 to 1321.701 of 2986  
the Revised Code or a business loan as described in division (B) 2987  
(6) of section 1343.01 of the Revised Code; 2988

(4) Any political subdivision, or any governmental or 2989  
other public entity, corporation, instrumentality, or agency, in 2990  
or of the United States or any state of the United States, or 2991  
any entity described in division (B) (3) of section 1343.01 of 2992  
the Revised Code; 2993

(5) A college or university, or controlled entity of a 2994  
college or university, as those terms are defined in section 2995  
1713.05 of the Revised Code. 2996

~~(E)~~ (F) No person engaged in the business of selling 2997  
tangible goods or services related to tangible goods may receive 2998  
or retain a certificate under sections 1321.51 to 1321.60 of the 2999  
Revised Code for such place of business. 3000

**Sec. 1321.64.** (A) An application for a license shall 3001  
contain an undertaking by the applicant to abide by those 3002  
sections. The application shall be in writing, under oath, and 3003  
in the form prescribed by the superintendent of financial 3004  
institutions, and shall contain any information that the 3005  
superintendent may require. Applicants that are foreign 3006  
corporations shall obtain and maintain a license pursuant to 3007  
Chapter 1703. of the Revised Code before a license is issued or 3008  
renewed. 3009

(B) Upon the filing of the application and the payment by 3010  
the applicant of a nonrefundable investigation fee of two 3011  
hundred dollars, a nonrefundable annual registration fee of 3012  
three hundred dollars, and any additional fee required by the 3013  
NMLSR, the division of financial institutions shall investigate 3014  
the relevant facts. If the application involves investigation 3015  
outside this state, the applicant may be required by the 3016  
division to advance sufficient funds to pay any of the actual 3017  
expenses of the investigation when it appears that these 3018  
expenses will exceed two hundred dollars. An itemized statement 3019  
of any of these expenses which the applicant is required to pay 3020  
shall be furnished to the applicant by the division. A license 3021  
shall not be issued unless all the required fees have been 3022  
submitted to the division. 3023

(C) (1) The investigation undertaken upon receipt of an 3024  
application shall include both a civil and criminal records 3025  
check of any control person. 3026

(2) (a) Notwithstanding division (K) of section 121.08 of 3027  
the Revised Code, the superintendent shall obtain a criminal 3028  
records check on each control person and, as part of that 3029  
records check, request that criminal records information from 3030



the federal bureau of investigation be obtained. To fulfill this 3031  
requirement, the superintendent shall do either of the 3032  
following: 3033

(i) Request the superintendent of the bureau of criminal 3034  
identification and investigation, or a vendor approved by the 3035  
bureau, to conduct a criminal records check based on the control 3036  
person's fingerprints or, if the fingerprints are unreadable, 3037  
based on the control person's social security number, in 3038  
accordance with section 109.572 of the Revised Code; 3039

(ii) Authorize the NMLSR to request a criminal records 3040  
check of the control person. 3041

(b) Any fee required under division (C) (3) of section 3042  
109.572 of the Revised Code or by the NMLSR shall be paid by the 3043  
applicant. 3044

(D) If an application for a license does not contain all 3045  
of the information required under division (A) of this section, 3046  
and if such information is not submitted to the division or to 3047  
the NMLSR within ninety days after the superintendent or the 3048  
NMLSR requests the information in writing, including by 3049  
electronic transmission or facsimile, the superintendent may 3050  
consider the application withdrawn. 3051

(E) If the superintendent of financial institutions finds 3052  
that the financial responsibility, experience, character, and 3053  
general fitness of the applicant command the confidence of the 3054  
public and warrant the belief that the business will be operated 3055  
honestly and fairly in compliance with the purposes of sections 3056  
1321.62 to 1321.702 of the Revised Code and the rules adopted 3057  
thereunder, and that the applicant has the requisite net worth 3058  
and assets required under section 1321.65 of the Revised Code, 3059

the superintendent shall issue a license to the applicant. The 3060  
license shall be valid until the thirty-first day of December of 3061  
the year in which it is issued. A person may be licensed under 3062  
both sections 1321.51 to 1321.60 and sections 1321.62 to 3063  
1321.702 of the Revised Code. 3064

(F) If the superintendent finds that the applicant does 3065  
not meet the conditions set forth in this section, the 3066  
superintendent shall issue a notice of intent to deny the 3067  
application, and promptly notify the applicant of the denial, 3068  
the grounds for the denial, and the applicant's reasonable 3069  
opportunity to be heard on the action in accordance with Chapter 3070  
119. of the Revised Code. 3071

(G) Notwithstanding any provision of this section to the 3072  
contrary, the superintendent shall issue a license in accordance 3073  
with section 9.79 of the Revised Code to an applicant if either 3074  
of the following applies: 3075

(1) The applicant holds a license in another state. 3076

(2) The applicant has satisfactory work experience, a 3077  
government certification, or a private certification as 3078  
described in that section as a consumer installment loan lender 3079  
in a state that does not issue that license. 3080

**Sec. 1321.74.** (A) Application for a license as a premium 3081  
finance company shall be in writing, under oath, in the form 3082  
prescribed by the division of financial institutions. An 3083  
applicant also shall provide the form of premium finance 3084  
agreement it intends to use in doing business under sections 3085  
1321.71 to 1321.83 of the Revised Code. Upon the filing of an 3086  
application and the payment of the license fee, and upon deposit 3087  
of an investigation fee not to exceed three hundred dollars if 3088

the investigation can be conducted in this state or the 3089  
estimated costs of the investigation if it must be conducted 3090  
outside this state, the division shall make an investigation of 3091  
each applicant and shall issue a license if the applicant is 3092  
qualified in accordance with sections 1321.71 to 1321.83 of the 3093  
Revised Code. An itemized statement of any investigation 3094  
expenses incurred which the applicant is required to pay shall 3095  
be furnished the applicant by the division, and only the actual 3096  
cost of such investigation shall be paid by the applicant, but 3097  
at no time shall the investigation fee be less than two hundred 3098  
dollars. If the division does not so find, it shall, within a 3099  
reasonable period of time after it has received the application, 3100  
at the request of the applicant, give the applicant opportunity 3101  
for a hearing conducted in accordance with Chapter 119. of the 3102  
Revised Code. 3103

(B) The division shall issue or renew a license when it is 3104  
satisfied that the applicant: 3105

(1) Is competent and trustworthy and intends to act in 3106  
good faith in the capacity involved by the license applied for; 3107

(2) Has a good business reputation and has had experience, 3108  
training, or education so as to be qualified in the business for 3109  
which the license is applied for; 3110

(3) If a corporation, is a corporation incorporated under 3111  
the laws of this state or is a foreign corporation authorized to 3112  
transact business in this state; 3113

(4) Has a net worth of at least fifty thousand dollars, as 3114  
determined in accordance with generally accepted accounting 3115  
principles; 3116

(5) With respect to the issuance of a license, has filed 3117

with the division a form of premium finance agreement that 3118  
complies with sections 1321.71 to 1321.83 of the Revised Code. 3119

(C) Not more than one place of business shall be 3120  
maintained under the same license, but the division may issue 3121  
additional licenses to the same licensee upon compliance with 3122  
sections 1321.71 to 1321.83 of the Revised Code. 3123

No change in the place of business of a licensee to a 3124  
location outside the original municipal corporation shall be 3125  
permitted under the same license without the approval of a new 3126  
application, the payment of the license fee as determined by the 3127  
superintendent of financial institutions pursuant to section 3128  
1321.20 of the Revised Code, and, if required by the 3129  
superintendent, the payment of an investigation fee of two 3130  
hundred dollars. If a licensee wishes to change its place of 3131  
business within the same municipal corporation, it shall give 3132  
written notice of the change in advance to the division, which 3133  
shall provide a license for the new address without cost. If a 3134  
licensee changes its name, it shall give, prior to entering into 3135  
or otherwise acquiring premium finance agreements under the new 3136  
name, written notice of the change to the division, which shall 3137  
provide a license in the new name, without cost. 3138

Each license shall be kept conspicuously posted in the 3139  
place of business of the licensee and is not transferable or 3140  
assignable. 3141

Notwithstanding any other provision of this section to the 3142  
contrary, the division shall issue a license to act as a premium 3143  
finance company in accordance with section 9.79 of the Revised 3144  
Code to an applicant if either of the following applies: 3145

(1) The applicant is licensed in another state. 3146

(2) The applicant has satisfactory work experience, a 3147  
government certification, or a private certification as 3148  
described in that section as an operator of a premium finance 3149  
company in a state that does not issue that license. 3150

**Sec. 1322.07.** (A) No person, on the person's own behalf or 3151  
on behalf of any other person, shall act as a mortgage lender, 3152  
mortgage servicer, or mortgage broker without first having 3153  
obtained a certificate of registration from the superintendent 3154  
of financial institutions for the principal office and every 3155  
branch office to be maintained by the person for the transaction 3156  
of business as a mortgage lender, mortgage servicer, or mortgage 3157  
broker in this state. A registrant shall maintain an office 3158  
location for the transaction of business as a mortgage lender, 3159  
mortgage servicer, or mortgage broker in this state. 3160

(B) (1) No individual shall act as a mortgage loan 3161  
originator without first having obtained a license from the 3162  
superintendent. A mortgage loan originator shall be employed by 3163  
or associated with a mortgage lender, mortgage broker, or entity 3164  
holding a valid letter of exemption under division (B) (1) of 3165  
section 1322.05 of the Revised Code, but shall not be employed 3166  
by or associated with more than one registrant or entity holding 3167  
a valid letter of exemption under division (B) (1) of section 3168  
1322.05 of the Revised Code at any one time. 3169

(2) An individual acting under the individual's authority 3170  
as a registered mortgage loan originator shall not be required 3171  
to be licensed under division (B) (1) of this section. 3172

~~(3) An individual who holds a valid temporary mortgage~~ 3173  
~~loan originator license issued pursuant to section 1322.24 of~~ 3174  
~~the Revised Code may engage in the business of a mortgage loan~~ 3175  
~~originator in accordance with this chapter during the term of~~ 3176

~~the temporary license.~~

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**Sec. 1322.10.** (A) Upon the conclusion of the investigation  
required under division (B) of section 1322.09 of the Revised  
Code, the superintendent of financial institutions shall issue a  
certificate of registration to the applicant if the  
superintendent finds that the following conditions are met:

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(1) The application is accompanied by the application fee  
and any fee required by the nationwide mortgage licensing system  
and registry.

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(a) If a check or other draft instrument is returned to  
the superintendent for insufficient funds, the superintendent  
shall notify the applicant by certified mail, return receipt  
requested, that the application will be withdrawn unless the  
applicant, within thirty days after receipt of the notice,  
submits the application fee and a one-hundred-dollar penalty to  
the superintendent. If the applicant does not submit the  
application fee and penalty within that time period, or if any  
check or other draft instrument used to pay the fee or penalty  
is returned to the superintendent for insufficient funds, the  
application shall be withdrawn.

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(b) If a check or other draft instrument is returned to  
the superintendent for insufficient funds after the certificate  
of registration has been issued, the superintendent shall notify  
the registrant by certified mail, return receipt requested, that  
the certificate of registration issued in reliance on the check  
or other draft instrument will be canceled unless the  
registrant, within thirty days after receipt of the notice,  
submits the application fee and a one-hundred-dollar penalty to  
the superintendent. If the registrant does not submit the  
application fee and penalty within that time period, or if any

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check or other draft instrument used to pay the fee or penalty 3207  
is returned to the superintendent for insufficient funds, the 3208  
certificate of registration shall be canceled immediately 3209  
without a hearing, and the registrant shall cease activity as a 3210  
mortgage broker. 3211

(2) If the application is for a location that is a 3212  
residence, evidence that the use of the residence to transact 3213  
business as a mortgage lender or mortgage broker is not 3214  
prohibited. 3215

(3) The applicant maintains all necessary filings and 3216  
approvals required by the secretary of state. 3217

(4) The applicant complies with the surety bond 3218  
requirements of section 1322.32 of the Revised Code. 3219

(5) The applicant has not made a material misstatement of 3220  
fact or material omission of fact in the application. 3221

(6) Neither the applicant nor any person whose identity is 3222  
required to be disclosed on an application for a certificate of 3223  
registration has had such a certificate of registration or 3224  
mortgage loan originator license, or any comparable authority, 3225  
revoked in any governmental jurisdiction or has pleaded guilty 3226  
or nolo contendere to or been convicted of any of the following 3227  
in a domestic, foreign, or military court: 3228

(a) During the seven-year period immediately preceding the 3229  
date of application for the certificate of registration, a 3230  
misdemeanor involving theft or any felony; 3231

(b) At any time prior to the date the application for the 3232  
certificate of registration is approved, a felony involving an 3233  
act of fraud, dishonesty, a breach of trust, theft, or money 3234  
laundering. 3235

(7) The applicant's operations manager successfully 3236  
completed the examination required by section 1322.27 of the 3237  
Revised Code. 3238

(8) The applicant's financial responsibility, experience, 3239  
character, and general fitness command the confidence of the 3240  
public and warrant the belief that the business will be operated 3241  
honestly, fairly, and efficiently in compliance with the 3242  
purposes of this chapter and the rules adopted thereunder. The 3243  
superintendent shall not use a credit score or a bankruptcy as 3244  
the sole basis for registration denial. 3245

(B) For purposes of determining whether an applicant that 3246  
is a partnership, corporation, or other business entity or 3247  
association has met the conditions set forth in divisions (A) (6) 3248  
and (8) of this section, the superintendent shall determine 3249  
which partners, shareholders, or persons named in the 3250  
application must meet those conditions. This determination shall 3251  
be based on the extent and nature of the partner's, 3252  
shareholder's, or person's ownership interest in the 3253  
partnership, corporation, or other business entity or 3254  
association that is the applicant and on whether the person is 3255  
in a position to direct, control, or adversely influence the 3256  
operations of the applicant. 3257

(C) The certificate of registration issued pursuant to 3258  
division (A) of this section may be renewed annually on or 3259  
before the thirty-first day of December if the superintendent 3260  
finds that all of the following conditions are met: 3261

(1) The renewal application is accompanied by a 3262  
nonrefundable renewal fee of five hundred dollars for each 3263  
location of an office to be maintained by the applicant in 3264  
accordance with division (A) of section 1322.07 of the Revised 3265



Code and any fee required by the nationwide mortgage licensing 3266  
system and registry. If a check or other draft instrument is 3267  
returned to the superintendent for insufficient funds, the 3268  
superintendent shall notify the registrant by certified mail, 3269  
return receipt requested, that the certificate of registration 3270  
renewed in reliance on the check or other draft instrument will 3271  
be canceled unless the registrant, within thirty days after 3272  
receipt of the notice, submits the renewal fee and a one- 3273  
hundred-dollar penalty to the superintendent. If the registrant 3274  
does not submit the renewal fee and penalty within that time 3275  
period, or if any check or other draft instrument used to pay 3276  
the fee or penalty is returned to the superintendent for 3277  
insufficient funds, the certificate of registration shall be 3278  
canceled immediately without a hearing and the registrant shall 3279  
cease activity as a mortgage broker. 3280

(2) The operations manager designated under section 3281  
1322.12 of the Revised Code has completed at least eight hours 3282  
of continuing education as required under section 1322.28 of the 3283  
Revised Code. 3284

(3) The applicant meets the conditions set forth in 3285  
divisions (A) (2) to (8) of this section. 3286

(4) The applicant's certificate of registration is not 3287  
subject to an order of suspension or an unpaid and past due fine 3288  
imposed by the superintendent. 3289

(D) (1) Subject to division (D) (2) of this section, if a 3290  
renewal fee or additional fee required by the nationwide 3291  
mortgage licensing system and registry is received by the 3292  
superintendent after the thirty-first day of December, the 3293  
certificate of registration shall not be considered renewed, and 3294  
the applicant shall cease activity as a mortgage lender or 3295

mortgage broker. 3296

(2) Division (D)(1) of this section shall not apply if the 3297  
applicant, not later than forty-five days after the renewal 3298  
deadline, submits the renewal fee or additional fee and a one- 3299  
hundred-dollar penalty to the superintendent. 3300

(E) Certificates of registration issued under this chapter 3301  
annually expire on the thirty-first day of December. 3302

(F) The pardon or expungement of a conviction shall not be 3303  
considered a conviction for purposes of this section. When 3304  
determining the eligibility of an applicant, the superintendent 3305  
may consider the underlying crime, facts, or circumstances 3306  
connected with a pardoned or expunged conviction. 3307

(G) Notwithstanding any provision of this chapter to the 3308  
contrary, the superintendent shall issue a certificate of 3309  
registration in accordance with section 9.79 of the Revised Code 3310  
to an applicant if either of the following applies: 3311

(1) The applicant holds a license or certificate of 3312  
registration in another state. 3313

(2) The applicant has satisfactory work experience, a 3314  
government certification, or a private certification as 3315  
described in that section as a mortgage broker or mortgage 3316  
lender in a state that does not issue that license or 3317  
certificate of registration. 3318

**Sec. 1322.21.** (A) Upon the conclusion of the investigation 3319  
required under division (C) of section 1322.20 of the Revised 3320  
Code, the superintendent of financial institutions shall issue a 3321  
mortgage loan originator license to the applicant if the 3322  
superintendent finds that the following conditions are met: 3323

(1) The application is accompanied by the application fee 3324  
and any fee required by the nationwide mortgage licensing system 3325  
and registry. 3326

(a) If a check or other draft instrument is returned to 3327  
the superintendent for insufficient funds, the superintendent 3328  
shall notify the applicant by certified mail, return receipt 3329  
requested, that the application will be withdrawn unless the 3330  
applicant, within thirty days after receipt of the notice, 3331  
submits the application fee and a one-hundred-dollar penalty to 3332  
the superintendent. If the applicant does not submit the 3333  
application fee and penalty within that time period, or if any 3334  
check or other draft instrument used to pay the fee or penalty 3335  
is returned to the superintendent for insufficient funds, the 3336  
application shall be withdrawn. 3337

(b) If a check or other draft instrument is returned to 3338  
the superintendent for insufficient funds after the license has 3339  
been issued, the superintendent shall notify the licensee by 3340  
certified mail, return receipt requested, that the license 3341  
issued in reliance on the check or other draft instrument will 3342  
be canceled unless the licensee, within thirty days after 3343  
receipt of the notice, submits the application fee and a one- 3344  
hundred-dollar penalty to the superintendent. If the licensee 3345  
does not submit the application fee and penalty within that time 3346  
period, or if any check or other draft instrument used to pay 3347  
the fee or penalty is returned to the superintendent for 3348  
insufficient funds, the license shall be canceled immediately 3349  
without a hearing, and the licensee shall cease activity as a 3350  
loan originator. 3351

(2) The applicant has not made a material misstatement of 3352  
fact or material omission of fact in the application. 3353

(3) The applicant has not been convicted of or pleaded 3354  
guilty or nolo contendere to any of the following in a domestic, 3355  
foreign, or military court: 3356

(a) During the seven-year period immediately preceding the 3357  
date of application for the license, a misdemeanor involving 3358  
theft or any felony; 3359

(b) At any time prior to the date the application for the 3360  
license is approved, a felony involving an act of fraud, 3361  
dishonesty, a breach of trust, theft, or money laundering. 3362

(4) The applicant completed the prelicensing instruction 3363  
set forth in division (B) of section 1322.20 of the Revised 3364  
Code. 3365

(5) The applicant's financial responsibility, character, 3366  
and general fitness command the confidence of the public and 3367  
warrant the belief that the business will be operated honestly 3368  
and fairly in compliance with the purposes of this chapter. The 3369  
superintendent shall not use a credit score or bankruptcy as the 3370  
sole basis for a license denial. 3371

(6) The applicant is in compliance with the surety bond 3372  
requirements of section 1322.32 of the Revised Code. 3373

(7) The applicant has not had a mortgage loan originator 3374  
license, or comparable authority, revoked in any governmental 3375  
jurisdiction. 3376

(B) The license issued under division (A) of this section 3377  
may be renewed annually on or before the thirty-first day of 3378  
December if the superintendent finds that all of the following 3379  
conditions are met: 3380

(1) The renewal application is accompanied by a 3381

nonrefundable renewal fee of one hundred fifty dollars and any 3382  
fee required by the nationwide mortgage licensing system and 3383  
registry. If a check or other draft instrument is returned to 3384  
the superintendent for insufficient funds, the superintendent 3385  
shall notify the licensee by certified mail, return receipt 3386  
requested, that the license renewed in reliance on the check or 3387  
other draft instrument will be canceled unless the licensee, 3388  
within thirty days after receipt of the notice, submits the 3389  
renewal fee and a one-hundred-dollar penalty to the 3390  
superintendent. If the licensee does not submit the renewal fee 3391  
and penalty within that time period, or if any check or other 3392  
draft instrument used to pay the fee or penalty is returned to 3393  
the superintendent for insufficient funds, the license shall be 3394  
canceled immediately without a hearing, and the licensee shall 3395  
cease activity as a loan originator. 3396

(2) The applicant has completed at least eight hours of 3397  
continuing education as required under section 1322.28 of the 3398  
Revised Code. 3399

(3) The applicant meets the conditions set forth in 3400  
divisions (A) (2) to (7) of this section. 3401

(4) The applicant's license is not subject to an order of 3402  
suspension or an unpaid and past due fine imposed by the 3403  
superintendent. 3404

(C) (1) Subject to division (C) (2) of this section, if a 3405  
license renewal application fee, including any fee required by 3406  
the nationwide mortgage licensing system and registry, is 3407  
received by the superintendent after the thirty-first day of 3408  
December, the license shall not be considered renewed, and the 3409  
applicant shall cease activity as a mortgage loan originator. 3410

(2) Division (C)(1) of this section shall not apply if the  
applicant, not later than forty-five days after the renewal  
deadline, submits the renewal application and any other required  
fees and a one-hundred-dollar penalty to the superintendent.

(D) Mortgage originator licenses annually expire on the  
thirty-first day of December.

(E) The pardon or expungement of a conviction shall not be  
considered a conviction for purposes of this section. When  
determining the eligibility of an applicant, the superintendent  
may consider the underlying crime, facts, or circumstances  
connected with a pardoned or expunged conviction.

(F) Notwithstanding any provision of this chapter to the  
contrary, the superintendent shall issue a mortgage loan  
originator license in accordance with section 9.79 of the  
Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a  
government certification, or a private certification as  
described in that section as a mortgage loan originator in a  
state that does not issue that license.

**Sec. 1513.07.** (A) (1) No operator shall conduct a coal  
mining operation without a permit for the operation issued by  
the chief of the division of mineral resources management.

(2) All permits issued pursuant to this chapter shall be  
issued for a term not to exceed five years, except that, if the  
applicant demonstrates that a specified longer term is  
reasonably needed to allow the applicant to obtain necessary  
financing for equipment and the opening of the operation and if  
the application is full and complete for the specified longer

term, the chief may grant a permit for the longer term. A 3440  
successor in interest to a permittee who applies for a new 3441  
permit within thirty days after succeeding to the interest and 3442  
who is able to obtain the performance security of the original 3443  
permittee may continue coal mining and reclamation operations 3444  
according to the approved mining and reclamation plan of the 3445  
original permittee until the successor's application is granted 3446  
or denied. 3447

(3) A permit shall terminate if the permittee has not 3448  
commenced the coal mining operations covered by the permit 3449  
within three years after the issuance of the permit, except that 3450  
the chief may grant reasonable extensions of the time upon a 3451  
showing that the extensions are necessary by reason of 3452  
litigation precluding the commencement or threatening 3453  
substantial economic loss to the permittee or by reason of 3454  
conditions beyond the control and without the fault or 3455  
negligence of the permittee, and except that with respect to 3456  
coal to be mined for use in a synthetic fuel facility or 3457  
specified major electric generating facility, the permittee 3458  
shall be deemed to have commenced coal mining operations at the 3459  
time construction of the synthetic fuel or generating facility 3460  
is initiated. 3461

(4) (a) Any permit issued pursuant to this chapter shall 3462  
carry with it the right of successive renewal upon expiration 3463  
with respect to areas within the boundaries of the permit. The 3464  
holders of the permit may apply for renewal and the renewal 3465  
shall be issued unless the chief determines by written findings, 3466  
subsequent to fulfillment of the public notice requirements of 3467  
this section and section 1513.071 of the Revised Code through 3468  
demonstrations by opponents of renewal or otherwise, that one or 3469  
more of the following circumstances exists: 3470

(i) The terms and conditions of the existing permit are 3471  
not being satisfactorily met. 3472

(ii) The present coal mining and reclamation operation is 3473  
not in compliance with the environmental protection standards of 3474  
this chapter. 3475

(iii) The renewal requested substantially jeopardizes the 3476  
operator's continuing responsibilities on existing permit areas. 3477

(iv) The applicant has not provided evidence that the 3478  
performance security in effect for the operation will continue 3479  
in effect for any renewal requested in the application. 3480

(v) Any additional, revised, or updated information 3481  
required by the chief has not been provided. Prior to the 3482  
approval of any renewal of a permit, the chief shall provide 3483  
notice to the appropriate public authorities as prescribed by 3484  
rule of the chief. 3485

(b) If an application for renewal of a valid permit 3486  
includes a proposal to extend the mining operation beyond the 3487  
boundaries authorized in the existing permit, the portion of the 3488  
application for renewal of a valid permit that addresses any new 3489  
land areas shall be subject to the full standards applicable to 3490  
new applications under this chapter. 3491

(c) A permit renewal shall be for a term not to exceed the 3492  
period of the original permit established by this chapter. 3493  
Application for permit renewal shall be made at least one 3494  
hundred twenty days prior to the expiration of the valid permit. 3495

(5) A permit issued pursuant to this chapter does not 3496  
eliminate the requirements for obtaining a permit to install or 3497  
modify a disposal system or any part thereof or to discharge 3498  
sewage, industrial waste, or other wastes into the waters of the 3499



state in accordance with Chapter 6111. of the Revised Code. 3500

(B) (1) The permit application shall be submitted in a 3501  
manner satisfactory to the chief and shall contain, among other 3502  
things, all of the following: 3503

(a) The names and addresses of all of the following: 3504

(i) The permit applicant; 3505

(ii) Every legal owner of record of the property, surface 3506  
and mineral, to be mined; 3507

(iii) The holders of record of any leasehold interest in 3508  
the property; 3509

(iv) Any purchaser of record of the property under a real 3510  
estate contract; 3511

(v) The operator if different from the applicant; 3512

(vi) If any of these are business entities other than a 3513  
single proprietor, the names and addresses of the principals, 3514  
officers, and statutory agent for service of process. 3515

(b) The names and addresses of the owners of record of all 3516  
surface and subsurface areas adjacent to any part of the permit 3517  
area; 3518

(c) A statement of any current or previous coal mining 3519  
permits in the United States held by the applicant, the permit 3520  
identification, and any pending applications; 3521

(d) If the applicant is a partnership, corporation, 3522  
association, or other business entity, the following where 3523  
applicable: the names and addresses of every officer, partner, 3524  
director, or person performing a function similar to a director, 3525  
of the applicant, the name and address of any person owning, of 3526

record, ten per cent or more of any class of voting stock of the 3527  
applicant, a list of all names under which the applicant, 3528  
partner, or principal shareholder previously operated a coal 3529  
mining operation within the United States within the five-year 3530  
period preceding the date of submission of the application, and 3531  
a list of the person or persons primarily responsible for 3532  
ensuring that the applicant complies with the requirements of 3533  
this chapter and rules adopted pursuant thereto while mining and 3534  
reclaiming under the permit; 3535

(e) A statement of whether the applicant, any subsidiary, 3536  
affiliate, or persons controlled by or under common control with 3537  
the applicant, any partner if the applicant is a partnership, 3538  
any officer, principal shareholder, or director if the applicant 3539  
is a corporation, or any other person who has a right to control 3540  
or in fact controls the management of the applicant or the 3541  
selection of officers, directors, or managers of the applicant: 3542

(i) Has ever held a federal or state coal mining permit 3543  
that in the five-year period prior to the date of submission of 3544  
the application has been suspended or revoked or has had a coal 3545  
mining bond, performance security, or similar security deposited 3546  
in lieu of bond forfeited and, if so, a brief explanation of the 3547  
facts involved; 3548

(ii) Has been an officer, partner, director, principal 3549  
shareholder, or person having the right to control or has in 3550  
fact controlled the management of or the selection of officers, 3551  
directors, or managers of a business entity that has had a coal 3552  
mining or surface mining permit that in the five-year period 3553  
prior to the date of submission of the application has been 3554  
suspended or revoked or has had a coal mining or surface mining 3555  
bond, performance security, or similar security deposited in 3556

lieu of bond forfeited and, if so, a brief explanation of the 3557  
facts involved. 3558

(f) A copy of the applicant's advertisement to be 3559  
published in a newspaper of general circulation in the locality 3560  
of the proposed site at least once a week for four successive 3561  
weeks, which shall include the ownership of the proposed mine, a 3562  
description of the exact location and boundaries of the proposed 3563  
site sufficient to make the proposed operation readily 3564  
identifiable by local residents, and the location where the 3565  
application is available for public inspection; 3566

(g) A description of the type and method of coal mining 3567  
operation that exists or is proposed, the engineering techniques 3568  
proposed or used, and the equipment used or proposed to be used; 3569

(h) The anticipated or actual starting and termination 3570  
dates of each phase of the mining operation and number of acres 3571  
of land to be affected; 3572

(i) An accurate map or plan, to an appropriate scale, 3573  
clearly showing the land to be affected, the land upon which the 3574  
applicant has the legal right to enter and commence coal mining 3575  
operations, and the land for which the applicant will acquire 3576  
the legal right to enter and commence coal mining operations 3577  
during the term of the permit, copies of those documents upon 3578  
which is based the applicant's legal right to enter and commence 3579  
coal mining operations or a notarized statement describing the 3580  
applicant's legal right to enter and commence coal mining 3581  
operations, and a statement whether that right is the subject of 3582  
pending litigation. This chapter does not authorize the chief to 3583  
adjudicate property title disputes. 3584

(j) The name of the watershed and location of the surface 3585

stream or tributary into which drainage from the operation will 3586  
be discharged; 3587

(k) A determination of the probable hydrologic 3588  
consequences of the mining and reclamation operations, both on 3589  
and off the mine site, with respect to the hydrologic regime, 3590  
providing information on the quantity and quality of water in 3591  
surface and ground water systems including the dissolved and 3592  
suspended solids under seasonal flow conditions and the 3593  
collection of sufficient data for the mine site and surrounding 3594  
areas so that an assessment can be made by the chief of the 3595  
probable cumulative impacts of all anticipated mining in the 3596  
area upon the hydrology of the area and particularly upon water 3597  
availability, but this determination shall not be required until 3598  
hydrologic information of the general area prior to mining is 3599  
made available from an appropriate federal or state agency; 3600  
however, the permit shall not be approved until the information 3601  
is available and is incorporated into the application; 3602

(l) When requested by the chief, the climatological 3603  
factors that are peculiar to the locality of the land to be 3604  
affected, including the average seasonal precipitation, the 3605  
average direction and velocity of prevailing winds, and the 3606  
seasonal temperature ranges; 3607

(m) Accurate maps prepared by or under the direction of 3608  
and certified by a qualified registered professional engineer, 3609  
registered surveyor, or licensed landscape architect to an 3610  
appropriate scale clearly showing all types of information set 3611  
forth on topographical maps of the United States geological 3612  
survey of a scale of not more than four hundred feet to the 3613  
inch, including all artificial features and significant known 3614  
archeological sites. The map, among other things specified by 3615

the chief, shall show all boundaries of the land to be affected, 3616  
the boundary lines and names of present owners of record of all 3617  
surface areas abutting the permit area, and the location of all 3618  
buildings within one thousand feet of the permit area. 3619

(n) (i) Cross-section maps or plans of the land to be 3620  
affected including the actual area to be mined, prepared by or 3621  
under the direction of and certified by a qualified registered 3622  
professional engineer or certified professional geologist with 3623  
assistance from experts in related fields such as hydrology, 3624  
hydrogeology, geology, and landscape architecture, showing 3625  
pertinent elevations and locations of test borings or core 3626  
samplings and depicting the following information: the nature 3627  
and depth of the various strata of overburden; the nature and 3628  
thickness of any coal or rider seam above the coal seam to be 3629  
mined; the nature of the stratum immediately beneath the coal 3630  
seam to be mined; all mineral crop lines and the strike and dip 3631  
of the coal to be mined within the area to be affected; existing 3632  
or previous coal mining limits; the location and extent of known 3633  
workings of any underground mines, including mine openings to 3634  
the surface; the location of spoil, waste, or refuse areas and 3635  
topsoil preservation areas; the location of all impoundments for 3636  
waste or erosion control; any settling or water treatment 3637  
facility; constructed or natural drainways and the location of 3638  
any discharges to any surface body of water on the land to be 3639  
affected or adjacent thereto; profiles at appropriate cross 3640  
sections of the anticipated final surface configuration that 3641  
will be achieved pursuant to the operator's proposed reclamation 3642  
plan; the location of subsurface water, if encountered; the 3643  
location and quality of aquifers; and the estimated elevation of 3644  
the water table. Registered surveyors shall be allowed to 3645  
perform all plans, maps, and certifications under this chapter 3646

as they are authorized under Chapter 4733. of the Revised Code. 3647

(ii) A statement of the quality and locations of 3648  
subsurface water. The chief shall provide by rule the number of 3649  
locations to be sampled, frequency of collection, and parameters 3650  
to be analyzed to obtain the statement required. 3651

(o) A statement of the results of test borings or core 3652  
samplings from the permit area, including logs of the drill 3653  
holes, the thickness of the coal seam found, an analysis of the 3654  
chemical properties of the coal, the sulfur content of any coal 3655  
seam, chemical analysis of potentially acid or toxic forming 3656  
sections of the overburden, and chemical analysis of the stratum 3657  
lying immediately underneath the coal to be mined, except that 3658  
this division may be waived by the chief with respect to the 3659  
specific application by a written determination that its 3660  
requirements are unnecessary. If the test borings or core 3661  
samplings from the permit area indicate the existence of 3662  
potentially acid forming or toxic forming quantities of sulfur 3663  
in the coal or overburden to be disturbed by mining, the 3664  
application also shall include a statement of the acid 3665  
generating potential and the acid neutralizing potential of the 3666  
rock strata to be disturbed as calculated in accordance with the 3667  
calculation method established under section 1513.075 of the 3668  
Revised Code or with another calculation method. 3669

(p) For those lands in the permit application that a 3670  
reconnaissance inspection suggests may be prime farmlands, a 3671  
soil survey shall be made or obtained according to standards 3672  
established by the secretary of the United States department of 3673  
agriculture in order to confirm the exact location of the prime 3674  
farmlands, if any; 3675

(q) A certificate issued by an insurance company 3676

authorized to do business in this state certifying that the 3677  
applicant has a public liability insurance policy in force for 3678  
the coal mining and reclamation operations for which the permit 3679  
is sought or evidence that the applicant has satisfied other 3680  
state self-insurance requirements. The policy shall provide for 3681  
personal injury and property damage protection in an amount 3682  
adequate to compensate any persons damaged as a result of coal 3683  
mining and reclamation operations, including the use of 3684  
explosives, and entitled to compensation under the applicable 3685  
provisions of state law. The policy shall be maintained in 3686  
effect during the term of the permit or any renewal, including 3687  
the length of all reclamation operations. The insurance company 3688  
shall give prompt notice to the permittee and the chief if the 3689  
public liability insurance policy lapses for any reason 3690  
including the nonpayment of insurance premiums. Upon the lapse 3691  
of the policy, the chief may suspend the permit and all other 3692  
outstanding permits until proper insurance coverage is obtained. 3693

(r) The business telephone number of the applicant; 3694

(s) If the applicant seeks an authorization under division 3695  
(E) (7) of this section to conduct coal mining and reclamation 3696  
operations on areas to be covered by the permit that were 3697  
affected by coal mining operations before August 3, 1977, that 3698  
have resulted in continuing water pollution from or on the 3699  
previously mined areas, such additional information pertaining 3700  
to those previously mined areas as may be required by the chief, 3701  
including, without limitation, maps, plans, cross sections, data 3702  
necessary to determine existing water quality from or on those 3703  
areas with respect to pH, iron, and manganese, and a pollution 3704  
abatement plan that may improve water quality from or on those 3705  
areas with respect to pH, iron, and manganese. 3706

(2) Information pertaining to coal seams, test borings, 3707  
core samplings, or soil samples as required by this section 3708  
shall be made available by the chief to any person with an 3709  
interest that is or may be adversely affected, except that 3710  
information that pertains only to the analysis of the chemical 3711  
and physical properties of the coal, excluding information 3712  
regarding mineral or elemental content that is potentially toxic 3713  
in the environment, shall be kept confidential and not made a 3714  
matter of public record. 3715

(3) (a) If the chief finds that the probable total annual 3716  
production at all locations of any operator will not exceed 3717  
three hundred thousand tons, the following activities, upon the 3718  
written request of the operator in connection with a permit 3719  
application, shall be performed by a qualified public or private 3720  
laboratory or another public or private qualified entity 3721  
designated by the chief, and the cost of the activities shall be 3722  
assumed by the chief, provided that sufficient moneys for such 3723  
assistance are available: 3724

(i) The determination of probable hydrologic consequences 3725  
required under division (B) (1) (k) of this section; 3726

(ii) The development of cross-section maps and plans 3727  
required under division (B) (1) (n) (i) of this section; 3728

(iii) The geologic drilling and statement of results of 3729  
test borings and core samplings required under division (B) (1) 3730  
(o) of this section; 3731

(iv) The collection of archaeological information required 3732  
under division (B) (1) (m) of this section and any other 3733  
archaeological and historical information required by the chief, 3734  
and the preparation of plans necessitated thereby; 3735



(v) Pre-blast surveys required under division ~~(E)~~ (B) (5) 3736  
of section 1513.161 of the Revised Code; 3737

(vi) The collection of site-specific resource information 3738  
and production of protection and enhancement plans for fish and 3739  
wildlife habitats and other environmental values required by the 3740  
chief under this chapter. 3741

(b) A coal operator that has received assistance under 3742  
division (B) (3) (a) of this section shall reimburse the chief for 3743  
the cost of the services rendered if the chief finds that the 3744  
operator's actual and attributed annual production of coal for 3745  
all locations exceeds three hundred thousand tons during the 3746  
twelve months immediately following the date on which the 3747  
operator was issued a coal mining and reclamation permit. 3748

(4) Each applicant for a permit shall submit to the chief 3749  
as part of the permit application a reclamation plan that meets 3750  
the requirements of this chapter. 3751

(5) Each applicant for a coal mining and reclamation 3752  
permit shall file a copy of the application for a permit, 3753  
excluding that information pertaining to the coal seam itself, 3754  
for public inspection with the county recorder or an appropriate 3755  
public office approved by the chief in the county where the 3756  
mining is proposed to occur. 3757

(6) Each applicant for a coal mining and reclamation 3758  
permit shall submit to the chief as part of the permit 3759  
application a blasting plan that describes the procedures and 3760  
standards by which the operator will comply with section 3761  
1513.161 of the Revised Code. 3762

(C) Each reclamation plan submitted as part of a permit 3763  
application shall include, in the detail necessary to 3764

demonstrate that reclamation required by this chapter can be 3765  
accomplished and in the detail necessary for the chief to 3766  
determine the estimated cost of reclamation if the reclamation 3767  
has to be performed by the division of mineral resources 3768  
management in the event of forfeiture of the performance 3769  
security by the applicant, a statement of: 3770

(1) The identification of the lands subject to coal mining 3771  
operations over the estimated life of those operations and the 3772  
size, sequence, and timing of the subareas for which it is 3773  
anticipated that individual permits for mining will be sought; 3774

(2) The condition of the land to be covered by the permit 3775  
prior to any mining, including all of the following: 3776

(a) The uses existing at the time of the application and, 3777  
if the land has a history of previous mining, the uses that 3778  
preceded any mining; 3779

(b) The capability of the land prior to any mining to 3780  
support a variety of uses, giving consideration to soil and 3781  
foundation characteristics, topography, and vegetative cover 3782  
and, if applicable, a soil survey prepared pursuant to division 3783  
(B) (1) (p) of this section; 3784

(c) The productivity of the land prior to mining, 3785  
including appropriate classification as prime farmlands as well 3786  
as the average yield of food, fiber, forage, or wood products 3787  
obtained from the land under high levels of management. 3788

(3) The use that is proposed to be made of the land 3789  
following reclamation, including information regarding the 3790  
utility and capacity of the reclaimed land to support a variety 3791  
of alternative uses, the relationship of the proposed use to 3792  
existing land use policies and plans, and the comments of any 3793

owner of the land and state and local governments or agencies 3794  
thereof that would have to initiate, implement, approve, or 3795  
authorize the proposed use of the land following reclamation; 3796

(4) A detailed description of how the proposed postmining 3797  
land use is to be achieved and the necessary support activities 3798  
that may be needed to achieve the proposed land use; 3799

(5) The engineering techniques proposed to be used in 3800  
mining and reclamation and a description of the major equipment; 3801  
a plan for the control of surface water drainage and of water 3802  
accumulation; a plan, where appropriate, for backfilling, soil 3803  
stabilization, and compacting, grading, and appropriate 3804  
revegetation; a plan for soil reconstruction, replacement, and 3805  
stabilization, pursuant to the performance standards in section 3806  
1513.16 of the Revised Code, for those food, forage, and forest 3807  
lands identified in that section; and a statement as to how the 3808  
permittee plans to comply with each of the requirements set out 3809  
in section 1513.16 of the Revised Code; 3810

(6) A description of the means by which the utilization 3811  
and conservation of the solid fuel resource being recovered will 3812  
be maximized so that re-affecting the land in the future can be 3813  
minimized; 3814

(7) A detailed estimated timetable for the accomplishment 3815  
of each major step in the reclamation plan; 3816

(8) A description of the degree to which the coal mining 3817  
and reclamation operations are consistent with surface owner 3818  
plans and applicable state and local land use plans and 3819  
programs; 3820

(9) The steps to be taken to comply with applicable air 3821  
and water quality laws and regulations and any applicable health 3822

and safety standards; 3823

(10) A description of the degree to which the reclamation 3824  
plan is consistent with local physical, environmental, and 3825  
climatological conditions; 3826

(11) A description of all lands, interests in lands, or 3827  
options on such interests held by the applicant or pending bids 3828  
on interests in lands by the applicant, which lands are 3829  
contiguous to the area to be covered by the permit; 3830

(12) The results of test borings that the applicant has 3831  
made at the area to be covered by the permit, or other 3832  
equivalent information and data in a form satisfactory to the 3833  
chief, including the location of subsurface water, and an 3834  
analysis of the chemical properties, including acid forming 3835  
properties of the mineral and overburden; except that 3836  
information that pertains only to the analysis of the chemical 3837  
and physical properties of the coal, excluding information 3838  
regarding mineral or elemental contents that are potentially 3839  
toxic in the environment, shall be kept confidential and not 3840  
made a matter of public record; 3841

(13) A detailed description of the measures to be taken 3842  
during the mining and reclamation process to ensure the 3843  
protection of all of the following: 3844

(a) The quality of surface and ground water systems, both 3845  
on- and off-site, from adverse effects of the mining and 3846  
reclamation process; 3847

(b) The rights of present users to such water; 3848

(c) The quantity of surface and ground water systems, both 3849  
on- and off-site, from adverse effects of the mining and 3850  
reclamation process or, where such protection of quantity cannot 3851

be assured, provision of alternative sources of water. 3852

(14) Any other requirements the chief prescribes by rule. 3853

(D) (1) Any information required by division (C) of this 3854  
section that is not on public file pursuant to this chapter 3855  
shall be held in confidence by the chief. 3856

(2) With regard to requests for an exemption from the 3857  
requirements of this chapter for coal extraction incidental to 3858  
the extraction of other minerals, as described in division (H) 3859  
(1) (a) of section 1513.01 of the Revised Code, confidential 3860  
information includes and is limited to information concerning 3861  
trade secrets or privileged commercial or financial information 3862  
relating to the competitive rights of the persons intending to 3863  
conduct the extraction of minerals. 3864

(E) (1) Upon the basis of a complete mining application and 3865  
reclamation plan or a revision or renewal thereof, as required 3866  
by this chapter, and information obtained as a result of public 3867  
notification and public hearing, if any, as provided by section 3868  
1513.071 of the Revised Code, the chief shall grant, require 3869  
modification of, or deny the application for a permit and notify 3870  
the applicant in writing in accordance with division (I) (3) of 3871  
this section. An application is deemed to be complete as 3872  
submitted to the chief unless the chief, within fourteen days of 3873  
the submission, identifies deficiencies in the application in 3874  
writing and subsequently submits a copy of a written list of 3875  
deficiencies to the applicant. An application shall not be 3876  
considered incomplete or denied by reason of right of entry 3877  
documentation, provided that the applicant documents the 3878  
applicant's legal right to enter and mine at least sixty-seven 3879  
per cent of the total area for which coal mining operations are 3880  
proposed. 3881

A decision of the chief denying a permit shall state in 3882  
writing the specific reasons for the denial. 3883

The applicant for a permit or revision of a permit has the 3884  
burden of establishing that the application is in compliance 3885  
with all the requirements of this chapter. Within ten days after 3886  
the granting of a permit, the chief shall notify the boards of 3887  
township trustees and county commissioners, the mayor, and the 3888  
legislative authority in the township, county, and municipal 3889  
corporation in which the area of land to be affected is located 3890  
that a permit has been issued and shall describe the location of 3891  
the land. However, failure of the chief to notify the local 3892  
officials shall not affect the status of the permit. 3893

(2) No permit application or application for revision of 3894  
an existing permit shall be approved unless the application 3895  
affirmatively demonstrates and the chief finds in writing on the 3896  
basis of the information set forth in the application or from 3897  
information otherwise available, which shall be documented in 3898  
the approval and made available to the applicant, all of the 3899  
following: 3900

(a) The application is accurate and complete and all the 3901  
requirements of this chapter have been complied with. 3902

(b) The applicant has demonstrated that the reclamation 3903  
required by this chapter can be accomplished under the 3904  
reclamation plan contained in the application. 3905

(c) (i) Assessment of the probable cumulative impact of all 3906  
anticipated mining in the general and adjacent area on the 3907  
hydrologic balance specified in division (B) (1) (k) of this 3908  
section has been made by the chief, and the proposed operation 3909  
has been designed to prevent material damage to hydrologic 3910

balance outside the permit area. 3911

(ii) There shall be an ongoing process conducted by the 3912  
chief in cooperation with other state and federal agencies to 3913  
review all assessments of probable cumulative impact of coal 3914  
mining in light of post-mining data and any other hydrologic 3915  
information as it becomes available to determine if the 3916  
assessments were realistic. The chief shall take appropriate 3917  
action as indicated in the review process. 3918

(d) The area proposed to be mined is not included within 3919  
an area designated unsuitable for coal mining pursuant to 3920  
section 1513.073 of the Revised Code or is not within an area 3921  
under study for such designation in an administrative proceeding 3922  
commenced pursuant to division (A) (3) (c) or (B) of section 3923  
1513.073 of the Revised Code unless in an area as to which an 3924  
administrative proceeding has commenced pursuant to division (A) 3925  
(3) (c) or (B) of section 1513.073 of the Revised Code, the 3926  
operator making the permit application demonstrates that, prior 3927  
to January 1, 1977, the operator made substantial legal and 3928  
financial commitments in relation to the operation for which a 3929  
permit is sought. 3930

(e) In cases where the private mineral estate has been 3931  
severed from the private surface estate and surface disturbance 3932  
will result from the applicant's proposed use of a strip mining 3933  
method, the applicant has submitted to the chief one of the 3934  
following: 3935

(i) The written consent of the surface owner to the 3936  
surface disturbance that will result from the extraction of coal 3937  
by the applicant's proposed strip mining method; 3938

(ii) A conveyance that expressly grants or reserves the 3939

right to extract the coal by strip mining methods that cause 3940  
surface disturbance; 3941

(iii) If the conveyance does not expressly grant the right 3942  
to extract coal by strip mining methods that cause surface 3943  
disturbance, the surface-subsurface legal relationship 3944  
concerning surface disturbance shall be determined under the law 3945  
of this state. This chapter does not authorize the chief to 3946  
adjudicate property rights disputes. 3947

(3) (a) The applicant shall file with the permit 3948  
application a schedule listing all notices of violations of any 3949  
law, rule, or regulation of the United States or of any 3950  
department or agency thereof or of any state pertaining to air 3951  
or water environmental protection incurred by the applicant in 3952  
connection with any coal mining operation during the three-year 3953  
period prior to the date of application. The schedule also shall 3954  
indicate the final resolution of such a notice of violation. 3955  
Upon receipt of an application, the chief shall provide a 3956  
schedule listing all notices of violations of this chapter 3957  
pertaining to air or water environmental protection incurred by 3958  
the applicant during the three-year period prior to receipt of 3959  
the application and the final resolution of all such notices of 3960  
violation. The chief shall provide this schedule to the 3961  
applicant for filing by the applicant with the application filed 3962  
for public review, as required by division (B) (5) of this 3963  
section. When the schedule or other information available to the 3964  
chief indicates that any coal mining operation owned or 3965  
controlled by the applicant is currently in violation of such 3966  
laws, the permit shall not be issued until the applicant submits 3967  
proof that the violation has been corrected or is in the process 3968  
of being corrected to the satisfaction of the regulatory 3969  
authority, department, or agency that has jurisdiction over the 3970



violation and that any civil penalties owed to the state for a 3971  
violation and not the subject of an appeal have been paid. No 3972  
permit shall be issued to an applicant after a finding by the 3973  
chief that the applicant or the operator specified in the 3974  
application controls or has controlled mining operations with a 3975  
demonstrated pattern of willful violations of this chapter of a 3976  
nature and duration to result in irreparable damage to the 3977  
environment as to indicate an intent not to comply with or a 3978  
disregard of this chapter. 3979

(b) For the purposes of division (E) (3) (a) of this 3980  
section, any violation resulting from an unanticipated event or 3981  
condition at a surface coal mining operation on lands eligible 3982  
for remining under a permit held by the person submitting an 3983  
application for a coal mining permit under this section shall 3984  
not prevent issuance of that permit. As used in this division, 3985  
"unanticipated event or condition" means an event or condition 3986  
encountered in a remining operation that was not contemplated by 3987  
the applicable surface coal mining and reclamation permit. 3988

(4) (a) In addition to finding the application in 3989  
compliance with division (E) (2) of this section, if the area 3990  
proposed to be mined contains prime farmland as determined 3991  
pursuant to division (B) (1) (p) of this section, the chief, after 3992  
consultation with the secretary of the United States department 3993  
of agriculture and pursuant to regulations issued by the 3994  
secretary of the interior with the concurrence of the secretary 3995  
of agriculture, may grant a permit to mine on prime farmland if 3996  
the chief finds in writing that the operator has the 3997  
technological capability to restore the mined area, within a 3998  
reasonable time, to equivalent or higher levels of yield as 3999  
nonmined prime farmland in the surrounding area under equivalent 4000  
levels of management and can meet the soil reconstruction 4001

standards in section 1513.16 of the Revised Code. 4002

(b) Division (E) (4) (a) of this section does not apply to a 4003  
permit issued prior to August 3, 1977, or revisions or renewals 4004  
thereof. 4005

(5) The chief shall issue an order denying a permit after 4006  
finding that the applicant has misrepresented or omitted any 4007  
material fact in the application for the permit. 4008

(6) The chief may issue an order denying a permit after 4009  
finding that the applicant, any partner, if the applicant is a 4010  
partnership, any officer, principal shareholder, or director, if 4011  
the applicant is a corporation, or any other person who has a 4012  
right to control or in fact controls the management of the 4013  
applicant or the selection of officers, directors, or managers 4014  
of the applicant has been a sole proprietor or partner, officer, 4015  
director, principal shareholder, or person having the right to 4016  
control or has in fact controlled the management of or the 4017  
selection of officers, directors, or managers of a business 4018  
entity that ever has had a coal mining license or permit issued 4019  
by this or any other state or the United States suspended or 4020  
revoked, ever has forfeited a coal or surface mining bond, 4021  
performance security, or similar security deposited in lieu of 4022  
bond in this or any other state or with the United States, or 4023  
ever has substantially or materially failed to comply with this 4024  
chapter. 4025

(7) When issuing a permit under this section, the chief 4026  
may authorize an applicant to conduct coal mining and 4027  
reclamation operations on areas to be covered by the permit that 4028  
were affected by coal mining operations before August 3, 1977, 4029  
that have resulted in continuing water pollution from or on the 4030  
previously mined areas for the purpose of potentially reducing 4031

the pollution loadings of pH, iron, and manganese from 4032  
discharges from or on the previously mined areas. Following the 4033  
chief's authorization to conduct such operations on those areas, 4034  
the areas shall be designated as pollution abatement areas for 4035  
the purposes of this chapter. 4036

The chief shall not grant an authorization under division 4037  
(E) (7) of this section to conduct coal mining and reclamation 4038  
operations on any such previously mined areas unless the 4039  
applicant demonstrates to the chief's satisfaction that all of 4040  
the following conditions are met: 4041

(a) The applicant's pollution abatement plan for mining 4042  
and reclaiming the previously mined areas represents the best 4043  
available technology economically achievable. 4044

(b) Implementation of the plan will potentially reduce 4045  
pollutant loadings of pH, iron, and manganese resulting from 4046  
discharges of surface waters or ground water from or on the 4047  
previously mined areas within the permit area. 4048

(c) Implementation of the plan will not cause any 4049  
additional degradation of surface water quality off the permit 4050  
area with respect to pH, iron, and manganese. 4051

(d) Implementation of the plan will not cause any 4052  
additional degradation of ground water. 4053

(e) The plan meets the requirements governing mining and 4054  
reclamation of such previously mined pollution abatement areas 4055  
established by the chief in rules adopted under section 1513.02 4056  
of the Revised Code. 4057

(f) Neither the applicant; any partner, if the applicant 4058  
is a partnership; any officer, principal shareholder, or 4059  
director, if the applicant is a corporation; any other person 4060

who has a right to control or in fact controls the management of 4061  
the applicant or the selection of officers, directors, or 4062  
managers of the applicant; nor any contractor or subcontractor 4063  
of the applicant, has any of the following: 4064

(i) Responsibility or liability under this chapter or 4065  
rules adopted under it as an operator for treating the 4066  
discharges of water pollutants from or on the previously mined 4067  
areas for which the authorization is sought; 4068

(ii) Any responsibility or liability under this chapter or 4069  
rules adopted under it for reclaiming the previously mined areas 4070  
for which the authorization is sought; 4071

(iii) During the eighteen months prior to submitting the 4072  
permit application requesting an authorization under division 4073  
(E) (7) of this section, had a coal mining and reclamation permit 4074  
suspended or revoked under division (D) (3) of section 1513.02 of 4075  
the Revised Code for violating this chapter or Chapter 6111. of 4076  
the Revised Code or rules adopted under them with respect to 4077  
water quality, effluent limitations, or surface or ground water 4078  
monitoring; 4079

(iv) Ever forfeited a coal or surface mining bond, 4080  
performance security, or similar security deposited in lieu of a 4081  
bond in this or any other state or with the United States. 4082

(8) In the case of the issuance of a permit that involves 4083  
a conflict of results between various methods of calculating 4084  
potential acidity and neutralization potential for purposes of 4085  
assessing the potential for acid mine drainage to occur at a 4086  
mine site, the permit shall include provisions for monitoring 4087  
and record keeping to identify the creation of unanticipated 4088  
acid water at the mine site. If the monitoring detects the 4089

creation of acid water at the site, the permit shall impose on 4090  
the permittee additional requirements regarding mining practices 4091  
and site reclamation to prevent the discharge of acid mine 4092  
drainage from the mine site. As used in division (E) (8) of this 4093  
section, "potential acidity" and "neutralization potential" have 4094  
the same meanings as in section 1513.075 of the Revised Code. 4095

(F) (1) During the term of the permit, the permittee may 4096  
submit an application for a revision of the permit, together 4097  
with a revised reclamation plan, to the chief. 4098

(2) An application for a revision of a permit shall not be 4099  
approved unless the chief finds that reclamation required by 4100  
this chapter can be accomplished under the revised reclamation 4101  
plan. The revision shall be approved or disapproved within 4102  
ninety days after receipt of a complete revision application. 4103  
The chief shall establish, by rule, criteria for determining the 4104  
extent to which all permit application information requirements 4105  
and procedures, including notice and hearings, shall apply to 4106  
the revision request, except that any revisions that propose 4107  
significant alterations in the reclamation plan, at a minimum, 4108  
shall be subject to notice and hearing requirements. 4109

(3) Any extensions to the area covered by the permit 4110  
except incidental boundary revisions shall be made by 4111  
application for a permit. 4112

(4) Documents or a notarized statement that form the basis 4113  
of the applicant's legal right to enter and commence coal mining 4114  
operations on land that is located within an area covered by the 4115  
permit and that was legally acquired subsequent to the issuance 4116  
of the permit for the area shall be submitted with an 4117  
application for a revision of the permit. 4118

(G) No transfer, assignment, or sale of the rights granted 4119  
under a permit issued pursuant to this chapter shall be made 4120  
without the written approval of the chief. 4121

(H) The chief, within a time limit prescribed in the 4122  
chief's rules, shall review outstanding permits and may require 4123  
reasonable revision or modification of a permit. A revision or 4124  
modification shall be based upon a written finding and subject 4125  
to notice and hearing requirements established by rule of the 4126  
chief. 4127

(I) (1) If an informal conference has been held pursuant to 4128  
section 1513.071 of the Revised Code, the chief shall issue and 4129  
furnish the applicant for a permit, persons who participated in 4130  
the informal conference, and persons who filed written 4131  
objections pursuant to division (B) of section 1513.071 of the 4132  
Revised Code, with the written finding of the chief granting or 4133  
denying the permit in whole or in part and stating the reasons 4134  
therefor within sixty days of the conference, provided that the 4135  
chief shall comply with the time frames established in division 4136  
(I) (3) of this section. 4137

(2) If there has been no informal conference held pursuant 4138  
to section 1513.071 of the Revised Code, the chief shall submit 4139  
to the applicant for a permit the written finding of the chief 4140  
granting or denying the permit in whole or in part and stating 4141  
the reasons therefor within the time frames established in 4142  
division (I) (3) of this section. 4143

(3) The chief shall grant or deny a permit not later than 4144  
two hundred forty days after the submission of a complete 4145  
application for the permit. Any time during which the applicant 4146  
is making revisions to an application or providing additional 4147  
information requested by the chief regarding an application 4148

shall not be included in the two hundred forty days. If the 4149  
chief determines that a permit cannot be granted or denied 4150  
within the two-hundred-forty-day time frame, the chief, not 4151  
later than two hundred ten days after the submission of a 4152  
complete application for the permit, shall provide the applicant 4153  
with written notice of the expected delay. 4154

(4) If the application is approved, the permit shall be 4155  
issued. However, the permit shall prohibit the commencement of 4156  
coal mining operations on any land that is located within an 4157  
area covered by the permit if the permittee has not provided to 4158  
the chief documents that form the basis of the permittee's legal 4159  
right to enter and conduct coal mining operations on that land. 4160  
If the application is disapproved, specific reasons therefor 4161  
shall be set forth in the notification. Within thirty days after 4162  
the applicant is notified of the final decision of the chief on 4163  
the permit application, the applicant or any person with an 4164  
interest that is or may be adversely affected may appeal the 4165  
decision to the reclamation commission pursuant to section 4166  
1513.13 of the Revised Code. 4167

(5) Any applicant or any person with an interest that is 4168  
or may be adversely affected who has participated in the 4169  
administrative proceedings as an objector and is aggrieved by 4170  
the decision of the reclamation commission, or if the commission 4171  
fails to act within the time limits specified in this chapter, 4172  
may appeal in accordance with section 1513.14 of the Revised 4173  
Code. 4174

**Sec. 1513.161.** (A) An operator shall use explosives only 4175  
in accordance with Chapter 1567. of the Revised Code and rules 4176  
adopted pursuant thereto by the chief of the division of mineral 4177  
resources management, and in accordance with this section and 4178

rules adopted pursuant thereto by the chief, and in accordance 4179  
with all applicable federal laws and regulations. If, in any 4180  
situation involving a coal mining operation, except when 4181  
underground coal mining is part or all of the coal mining 4182  
operation, a rule adopted pursuant to Chapter 1567. of the 4183  
Revised Code is in conflict with a rule adopted pursuant to this 4184  
section, the rule adopted pursuant to this section prevails. 4185  
When underground coal mining is part or all of the coal mining 4186  
operation, the rule adopted pursuant to Chapter 1567. of the 4187  
Revised Code prevails. 4188

Before an explosive is set off, sufficient warning shall 4189  
be given to allow any person in or approaching the area ample 4190  
time to retreat a safe distance. 4191

No blasting shall be done between the hours of sunset and 4192  
sunrise. 4193

(B) The chief shall adopt rules to: 4194

~~(A)~~ (1) Provide adequate advance written notice to local 4195  
governments and residents who might be affected by the use of 4196  
explosives by publication of the planned blasting schedule in a 4197  
newspaper of general circulation in the locality of the coal 4198  
mining operation, by mailing a copy of the proposed blasting 4199  
schedule to every resident living within one-half mile of the 4200  
proposed blasting site, and by providing daily notice to 4201  
residents or occupants in such areas prior to any blasting; 4202

~~(B)~~ (2) Maintain for a period of at least three years and 4203  
make available for public inspection upon request a log 4204  
detailing the location of the blasts, the pattern and depth of 4205  
the drill holes, the amount of explosives used per hole, and the 4206  
order and length of delay in the blasts; 4207



~~(C)~~ (3) Limit the type of explosives and detonating equipment, the size, and the timing and frequency of blasts based upon the physical conditions of the site so as to prevent:

~~(1)~~ (a) Injury to persons;

~~(2)~~ (b) Damage to public and private property outside the permit area;

~~(3)~~ (c) Adverse impacts on any underground mine;

~~(4)~~ (d) Change in the course, channel, or availability of ground or surface water outside the permit area.

~~(D)~~ (4) Require that all blasting operations be conducted by trained and competent persons as certified by the chief;

~~(E)~~ (5) Provide that upon the request of a resident or owner of an artificial dwelling or structure or water supply within one-half mile of any portion of the permit area, the applicant or permittee shall conduct a preblasting survey of the structures or water supply and submit the survey to the chief and a copy to the resident or owner making the request. The area of the survey shall be decided by the chief and shall include such provisions as the chief prescribes.

~~(F)~~ Require (6) Except as provided in division (C) of this section, require the training, examination, and certification of persons engaging in or directly responsible for blasting or use of explosives in coal mining operations.

(C) The chief shall issue a certificate for blasting or use of explosives in coal mining operations in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license or certificate in

another state.

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(2) The applicant has satisfactory work experience, a  
government certification, or a private certification as  
described in that section as a blaster or user of explosives in  
coal mining operations in a state that does not issue that  
license or certificate.

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(D) The chief, by rule or order, may prohibit blasting in  
specific areas where the safety of the public would be  
endangered.

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(E) No person shall use explosives in violation of this  
section, a rule adopted thereunder, or an order of the chief.

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**Sec. 1514.12.** (A) Explosives shall be used in a manner  
that prevents injury to persons and damage to public or private  
property that is located outside the area for which a permit was  
issued under section 1514.02 or 1514.021 of the Revised Code.

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(B) The ground vibration resulting from the use of  
explosives when measured at any dwelling, public or commercial  
building, school, church, or community or institutional building  
that is located outside the area for which a permit was issued  
under section 1514.02 or 1514.021 of the Revised Code and that  
is not owned by the operator shall not exceed the frequency-  
dependent particle velocity limits listed in the "report of  
investigations 8507, appendix B -- alternative blasting level  
criteria, (1980)," published by the former United States bureau  
of mines, or other limits established by rule.

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(C) The airblast resulting from the use of explosives when  
measured with a two hertz high-pass system at any location  
listed in division (B) of this section shall not exceed a level  
of one hundred thirty-three decibels.

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(D) On and after July 1, 2003, all blasting in surface 4265  
mining shall be conducted by persons who are trained and 4266  
competent in blasting as certified by the chief of the division 4267  
of mineral resources management or a certifying authority 4268  
approved by the chief. 4269

(E) The Except as provided in division (G) of this 4270  
section, the chief shall adopt, and may amend and rescind, rules 4271  
in accordance with Chapter 119. of the Revised Code establishing 4272  
requirements and standards governing all of the following: 4273

(1) Seismographic monitoring and alternate methods to 4274  
prove compliance with the ground vibration limits established 4275  
under division (B) of this section and the airblast limits 4276  
established under division (C) of this section; 4277

(2) Protection of any building or structure not listed in 4278  
division (B) of this section; 4279

(3) Training, examination, and certification of persons 4280  
conducting blasting in surface mining and suspension or 4281  
revocation of certifications; 4282

(4) Standard blast warning and all-clear signals; 4283

(5) Blasting records and flyrock reporting requirements; 4284

(6) Safety measures for blasting in surface mining. 4285

(F) The chief may adopt rules under this section that 4286  
establish limits on the amount of ground vibration resulting 4287  
from the use of explosives that is permissible when measured at 4288  
the locations described in division (B) of this section. 4289

(G) The chief shall issue a certificate to conduct 4290  
blasting in surface mining in accordance with section 9.79 of 4291  
the Revised Code to any person if either of the following 4292

applies: 4293

(1) The person holds a license or certificate in another 4294  
state. 4295

(2) The person has satisfactory work experience, a 4296  
government certification, or a private certification as 4297  
described in that section as a surface mining blaster in a state 4298  
that does not issue that license or certificate. 4299

**Sec. 1514.47.** (A) (1) The operator of a surface mining 4300  
operation shall employ a certified mine foreperson to be in 4301  
charge of the conditions and practices at the mine and to be 4302  
responsible for conducting examinations of the surface mining 4303  
operation under 30 C.F.R. part 56, as amended. 4304

(2) Examinations of surface mining operations for the 4305  
purposes of 30 C.F.R. part 56, as amended, shall be conducted by 4306  
one of the following: 4307

~~(i)~~ (a) A certified mine foreperson; 4308

~~(ii)~~ (b) A person who is qualified to conduct such 4309  
examinations as provided in division (D) of this section; 4310

~~(iii)~~ (c) A person designated by the certified mine 4311  
foreperson as a competent person. 4312

(3) For purposes of this section, a competent person is a 4313  
person who has been trained in accordance with 30 C.F.R. part 46 4314  
and been determined by a certified mine foreperson to have 4315  
demonstrated the ability, training, knowledge, or experience 4316  
necessary to perform the duty to which the person is assigned. A 4317  
person is not a competent person if the chief of the division of 4318  
mineral resources management demonstrates, with good cause, that 4319  
the person does not have the ability, training, knowledge, or 4320

experience necessary to perform that duty.

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(4) The operator of a surface mining operation shall  
maintain records demonstrating that a competent person  
designated by a certified mine foreperson has the ability,  
training, knowledge, or experience to perform the duty to which  
the person is assigned as well as records of the competent  
person's training in accordance with 30 C.F.R. part 46. The  
operator shall make the records available to the chief upon  
request.

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~~(B) The~~ Except as provided in division (E) of this  
section, the chief shall conduct examinations for the position  
of certified mine foreperson in accordance with rules. In order  
to be eligible for examination as a certified mine foreperson,  
an applicant shall file with the chief an affidavit establishing  
the applicant's qualifications to take the examination. The  
chief shall grade examinations and issue certificates.

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(C) (1) A certificate issued under this section shall not  
expire unless the certificate holder has not been employed in a  
surface mining operation for five consecutive years. If the  
certificate holder has not been employed in a surface mining  
operation for five consecutive years, the certificate holder may  
retake the mine foreperson examination or may petition the chief  
to accept past employment history in lieu of fulfilling the  
employment requirement established in this division. The chief  
shall grant or deny the petition by issuance of an order. If the  
chief grants the petition, the chief shall reissue the  
certificate.

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(2) If a certificate issued under this section is  
suspended, the certificate shall not be renewed until the  
suspension period expires and the person whose certificate is

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suspended successfully completes all actions required by the 4351  
chief. ~~If an applicant's license, certificate, or similar~~ 4352  
~~authority that is issued by another state to perform specified~~ 4353  
~~mining duties is suspended or revoked by that state, the~~ 4354  
~~applicant shall be ineligible for examination for or renewal of~~ 4355  
~~a certificate in this state during that period of suspension or~~ 4356  
~~revocation.~~ A certificate that has been revoked shall not be 4357  
renewed. 4358

(3) If a person who has been certified by the chief under 4359  
this section purposely violates this chapter, the chief may 4360  
suspend or revoke the certificate after an investigation and 4361  
hearing conducted in accordance with Chapter 119. of the Revised 4362  
Code are completed. 4363

(4) If a person holds a certificate issued under this 4364  
section that has not expired prior to ~~the effective date of this~~ 4365  
~~amendment~~ September 29, 2015, the chief, upon request, shall 4366  
reissue to that person a certificate that does not expire as 4367  
provided in division (C)(1) of this section. 4368

(5) If a person holds a certificate issued under this 4369  
section that expired on or after April 7, 2012, and has not been 4370  
issued a new certificate prior to ~~the effective date of this~~ 4371  
~~amendment~~ September 29, 2015, the chief, upon request, shall 4372  
issue to that person a certificate that does not expire as 4373  
provided in division (C)(1) of this section, provided that the 4374  
person is in compliance with all other applicable requirements 4375  
established in this chapter and rules adopted under it. 4376

(D) In lieu of employing a certified mine foreperson, the 4377  
operator of a surface mining operation may submit to the chief a 4378  
detailed training plan under which persons who qualify under the 4379  
plan may conduct and document examinations at the surface mining 4380

operation for purposes of 30 C.F.R. part 56, as amended. The 4381  
chief shall review the plan and determine if the plan complies 4382  
with the requirements established in rules. The chief shall 4383  
approve or deny the plan and notify in writing the operator who 4384  
submitted the plan of the chief's decision. 4385

(E) The chief shall issue a mine foreperson certificate in 4386  
accordance with section 9.79 of the Revised Code to any person 4387  
if either of the following applies: 4388

(1) The person holds a license or certificate in another 4389  
state. 4390

(2) The person has satisfactory work experience, a 4391  
government certification, or a private certification as 4392  
described in that section as a mine foreperson in a state that 4393  
does not issue that license or certificate. 4394

**Sec. 1531.40.** (A) As used in this section: 4395

(1) "Nuisance wild animal" means a wild animal that 4396  
interferes with the use or enjoyment of property, is causing a 4397  
threat to public safety, or may cause damage or harm to a 4398  
structure, property, or person. 4399

(2) "Commercial nuisance wild animal control operator" 4400  
means an individual or business that provides nuisance wild 4401  
animal removal or control services for hire to the owner, the 4402  
operator, or the owner's or operator's authorized agent of 4403  
property or a structure. 4404

(B) (1) No person shall provide nuisance wild animal 4405  
removal or control services for hire without obtaining a license 4406  
under this section from the chief of the division of wildlife. 4407

(2) An applicant shall pay a license fee of forty dollars 4408

for the license. The license shall be renewed annually prior to 4409  
the first day of March and shall expire on the last day of 4410  
February. All money collected under this division shall be 4411  
deposited in the state treasury to the credit of the wildlife 4412  
fund created in section 1531.17 of the Revised Code. 4413

(3) An individual who is providing nuisance wild animal 4414  
removal or control services for hire under a license issued 4415  
under this section is exempt from obtaining a hunting license 4416  
under section 1533.10 of the Revised Code, a fur taker permit 4417  
under section 1533.111 of the Revised Code, or a fishing license 4418  
under section 1533.32 of the Revised Code for the purposes of 4419  
performing those services. 4420

(4) An individual who is employed by the state, a county, 4421  
or a municipal corporation and who performs nuisance wild animal 4422  
removal or control services on land that is owned by the state, 4423  
county, or municipal corporation, as applicable, as part of the 4424  
individual's employment is exempt from obtaining a license under 4425  
this section. 4426

(C) (1) Unless otherwise specified by division rule, a 4427  
commercial nuisance wild animal control operator and any 4428  
individual who is employed by an operator that is engaged in 4429  
activities that are part of or related to the removal or control 4430  
of nuisance wild animals, including setting or maintaining 4431  
traps, shall obtain a certification of completion of a course of 4432  
instruction that complies with rules adopted under division (F) 4433  
of this section. A certification shall be renewed every three 4434  
years. 4435

(2) ~~An~~ Except as provided in division (H) of this section, 4436  
an individual who provides nuisance wild animal removal or 4437  
control services under a license issued under this section shall 4438



comply with division (C) (1) of this section. 4439

(D) An operator that holds a license issued under this 4440  
section is responsible for the acts of each of the operator's 4441  
employees in the removal or control of a nuisance wild animal. 4442

(E) If an individual who is licensed under this section 4443  
uses a pesticide in the removal or control of a nuisance wild 4444  
animal, the individual shall obtain the appropriate license 4445  
under Chapter 921. of the Revised Code. 4446

(F) The Except as provided in division (H) of this 4447  
section, the chief shall adopt rules under section 1531.10 of 4448  
the Revised Code establishing all of the following: 4449

(1) Appropriate methods for trapping, capturing, removing, 4450  
relocating, and controlling nuisance wild animals by operators 4451  
licensed under this section; 4452

(2) Procedures for issuing, denying, suspending, and 4453  
revoking a license under this section; 4454

(3) Requirements governing the certification course 4455  
required by division (C) (1) of this section. The rules shall 4456  
specify the minimum contents of such a course, including public 4457  
safety and health, animal life history, the use of nuisance wild 4458  
animal removal and control devices, and the laws and rules 4459  
governing those activities. The rules also shall specify who may 4460  
conduct such a course. The rules shall require that, in order 4461  
for an operator to receive a certification of completion, the 4462  
operator shall pass an examination. 4463

(4) Any other requirements and procedures necessary to 4464  
administer and enforce this section. 4465

Rules shall be adopted under division (F) of this section 4466

only with the approval of the director of natural resources. 4467

(G) In accordance with Chapter 119. of the Revised Code 4468  
and with rules adopted under this section, the chief may suspend 4469  
or revoke a license issued under this section if the chief finds 4470  
that the holder of the license is violating or has violated this 4471  
chapter, Chapter 1533. of the Revised Code, or rules adopted 4472  
under those chapters. 4473

(H) The chief shall issue a license to provide nuisance 4474  
wild animal removal or control services in accordance with 4475  
section 9.79 of the Revised Code to an applicant if either of 4476  
the following applies: 4477

(1) The applicant holds a license in another state. 4478

(2) The applicant has satisfactory work experience, a 4479  
government certification, or a private certification as 4480  
described in that section as an individual who provides nuisance 4481  
wild animal removal or control services in a state that does not 4482  
issue that license. 4483

**Sec. 1533.051.** (A) The chief of the division of wildlife 4484  
may authorize commercial and noncommercial propagation of 4485  
raptors by rules adopted pursuant to section 1531.08 of the 4486  
Revised Code. The rules shall be consistent with federal 4487  
regulations governing raptor propagation. 4488

(B) No person shall propagate raptors without a permit to 4489  
do so issued by the chief. The duration of the permit shall be 4490  
consistent with applicable federal requirements. 4491

The fees for permits shall be set by the chief in amounts 4492  
sufficient to cover the expenses of the division in exercising 4493  
its authority under this section and may vary according to the 4494  
type of permit. Moneys received from the sale of permits shall 4495

be paid into the state treasury to the credit of the fund 4496  
established in section 1533.15 of the Revised Code. 4497

(C) The chief shall issue a commercial raptor propagation 4498  
permit in accordance with section 9.79 of the Revised Code to an 4499  
applicant if either of the following applies: 4500

(1) The applicant holds a license or permit in another 4501  
state. 4502

(2) The applicant has satisfactory work experience, a 4503  
government certification, or a private certification as 4504  
described in that section as a person who propogates raptors in 4505  
a state that does not issue that license or permit. 4506

(D) A permittee may use a raptor possessed for propagation 4507  
in the sport of falconry only if the permittee is in compliance 4508  
with section 1533.05 of the Revised Code and the raptor is 4509  
reported under permits issued under both that section and this 4510  
section. 4511

~~(D)~~ (E) This section does not apply to propagation of 4512  
raptors by the state, any agency of the state, the United 4513  
States, any agency or instrumentality thereof, or any zoological 4514  
park. 4515

**Sec. 1533.51.** (A) No person shall be or serve as a fishing 4516  
guide in the Lake Erie fishing district without a license from 4517  
the chief of the division of wildlife. The application for a 4518  
license, and the license, shall be in such form as the chief 4519  
prescribes. 4520

(B) The chief, with the approval of the wildlife council, 4521  
may establish the qualifications for such a license and the 4522  
terms, conditions, and restrictions thereof. Such qualifications 4523  
when applicable shall include that the applicant possesses a 4524

power boat operator's license from a department, agency, 4525  
commission, or instrumentality of the United States. 4526

(C) The chief shall issue a fishing guide license in 4527  
accordance with section 9.79 of the Revised Code to an applicant 4528  
if either of the following applies: 4529

(1) The applicant holds a license in another state. 4530

(2) The applicant has satisfactory work experience, a 4531  
government certification, or a private certification as 4532  
described in that section as a fishing guide in a state that 4533  
does not issue that license. 4534

(D) Fishing guide licenses shall expire each year on the 4535  
fifteenth day of April. Such a license shall be carried ~~by~~ on 4536  
the person or the person in command of the boat or person in 4537  
charge, ~~upon his person,~~ when such service is being performed, 4538  
and shall be exhibited upon demand to any wildlife officer or 4539  
other law enforcement officer who has authority to enforce the 4540  
wildlife, hunting, and fishing laws. 4541

(E) The license fee for a fishing guide license is fifty 4542  
dollars per person. 4543

(F) The license fee for other services or devices, as 4544  
approved by the chief, not mentioned in this section shall be an 4545  
amount set by the chief with the approval of the wildlife 4546  
council, not to exceed twenty-five dollars. 4547

(G) All license fees collected from fishing guides shall 4548  
be deposited in the state treasury pursuant to section 1533.33 4549  
of the Revised Code. 4550

(H) No person shall fail to comply with any provision of 4551  
this section or division rule adopted pursuant to it. 4552

**Sec. 1561.07.** (A) The mining laws of this state shall 4553  
extend to and govern the operation of clay mines and clay 4554  
stripping pits in so far as such laws are applicable thereto. 4555  
The chief of the division of mineral resources management shall 4556  
adopt, publish, and enforce specific rules particularly 4557  
applicable to clay mining operations to safeguard life and 4558  
property in the clay mining industry and to secure safe and 4559  
sanitary working conditions in such clay mines and clay 4560  
stripping pits. 4561

Such rules adopted by the chief shall provide that: 4562

~~(A)~~ (1) Distances between break-throughs in clay mines 4563  
shall not exceed one hundred feet, unless permission in special 4564  
cases is granted by the chief, after maps have been filed with 4565  
the chief showing the method of working and ventilating the 4566  
same, if such distances would add to increased safety. 4567

~~(B)~~ (2) When, in the opinion of the mine foreperson or 4568  
deputy mine inspector, line brattices or other approved methods 4569  
of circulation are necessary to deliver sufficient air to the 4570  
working face, they shall be provided by the owner, operator, or 4571  
lessee. 4572

~~(C)~~ (3) Not more than a two days' supply of explosives 4573  
shall be stored in a clay mine at any one time, and not more 4574  
than one hundred pounds of explosives shall be stored in any one 4575  
place at any one time. 4576

~~(D)~~ (4) Charges of explosives shall be made up at least 4577  
one hundred feet away from any storage place for explosives. 4578

~~(E)~~ (5) There shall be no less than two persons in each 4579  
working place when shots are being lighted. 4580

~~(F)~~ (6) Misfired shots in clay mines shall be posted on 4581

the bulletin board or other conspicuous place available for 4582  
examination by the workers when shots are fired by other than 4583  
the loaders. 4584

~~(G) (7)~~ The use of electric blasting caps shall be 4585  
encouraged as a safety measure. 4586

(B) The chief, in assigning deputy mine inspectors, shall 4587  
designate inspectors who have had experience and are especially 4588  
qualified in clay mining operations, to examine and inspect clay 4589  
mining operations and enforce the law relating to such 4590  
operations. 4591

~~The (C)~~ Except as provided in division (D) of this 4592  
section, the chief, in conducting examinations and issuing 4593  
certificates for mine forepersons, shall provide by rules 4594  
adopted under section 1561.05 of the Revised Code for the 4595  
examination of applicants for certificates as mine forepersons 4596  
in a clay mine or clay stripping pits to test the applicant on 4597  
experience and fitness on the problems and duties peculiar to 4598  
the clay mining industry. An applicant for a certificate as a 4599  
clay mine foreperson shall have at least three years' experience 4600  
in mining operations. 4601

(D) The chief shall issue a certificate as a mine 4602  
foreperson in a clay mine or clay stripping pit in accordance 4603  
with section 9.79 of the Revised Code to an applicant if either 4604  
of the following applies: 4605

(1) The applicant holds a license or certificate in 4606  
another state. 4607

(2) The applicant has satisfactory work experience, a 4608  
government certification, or a private certification as 4609  
described in that section as a mine foreperson in a clay mine or 4610

clay stripping pit in a state that does not issue that license 4611  
or certificate. 4612

**Sec. 1561.14.** ~~A~~ (A) Except as provided in division (B) of 4613  
this section, a person who applies for a certificate as a mine 4614  
electrician shall be able to read and write the English 4615  
language, and prior to the date of the application for 4616  
examination either shall have had at least one year's experience 4617  
in performing electrical work underground in a coal mine, in the 4618  
surface work area of an underground coal mine, in a surface coal 4619  
mine, or in a noncoal mine, or shall have had such experience as 4620  
the chief of the division of mineral resources management 4621  
determines to be equivalent. Each applicant for examination 4622  
shall pay a fee of ten dollars to the chief on the first day of 4623  
the examination. Any money collected under this section shall be 4624  
paid into the state treasury to the credit of the mining 4625  
regulation and safety fund created in section 1513.30 of the 4626  
Revised Code. 4627

(B) The chief shall issue a mine electrician certificate 4628  
in accordance with section 9.79 of the Revised Code to an 4629  
applicant if either of the following applies: 4630

(1) The applicant holds a license or certificate in 4631  
another state. 4632

(2) The applicant has satisfactory work experience, a 4633  
government certification, or a private certification as 4634  
described in that section as a mine electrician in a state that 4635  
does not issue that license or certificate. 4636

**Sec. 1561.15.** ~~An~~ (A) Except as provided in division (B) of 4637  
this section, an applicant for a certificate as mine foreperson, 4638  
foreperson, mine electrician, shot firer, surface mine blaster, 4639

or fire boss shall apply to the chief of the division of mineral 4640  
resources management for examination and shall be examined by 4641  
the chief. This shall be a practical examination, a substantial 4642  
part of which shall be oral, to determine the competency of the 4643  
applicant, based on experience and practical knowledge of the 4644  
dangers incident to coal mining, and not upon technical 4645  
education, but consideration shall be given such technical 4646  
education as the applicant possesses. This examination shall be 4647  
held as soon after application is made as practicable in the 4648  
district from which the applicant makes application. 4649

(B) The chief may require an applicant for a certificate 4650  
as mine foreperson, foreperson, mine electrician, shot firer, 4651  
surface mine blaster, or fire boss to pass an examination in 4652  
accordance with section 9.79 of the Revised Code. 4653

**Sec. 1561.16.** (A) As used in this section and sections 4654  
1561.17 to 1561.21 of the Revised Code, "actual practical 4655  
experience" means previous employment that involved a person's 4656  
regular presence in the type of mining operation in which the 4657  
experience is required to exist; participation in functions 4658  
relating to the hazards involved in and the utilization of 4659  
equipment, tools, and work crews and individuals for that type 4660  
of mining; and regular exposure to the methods, procedures, and 4661  
safety laws applicable to that type of mining. Credit of up to 4662  
one year for a portion of the required experience time may be 4663  
given upon documentation to the chief of the division of mineral 4664  
resources management of an educational degree in a field related 4665  
to mining. Credit of up to two years of the required experience 4666  
time may be given upon presentation to the chief of proof of 4667  
graduation from an accredited school of mines or mining after a 4668  
four-year course of study with employment in the mining industry 4669  
during interim breaks during the school years. 4670



(B) ~~A-Except as provided in division (G) of this section,~~ 4671  
a person who applies for a certificate as a mine foreperson of 4672  
gaseous mines shall be able to read and write the English 4673  
language; shall have had at least five years' actual practical 4674  
experience in the underground workings of a gaseous mine or the 4675  
equivalent thereof in the judgment of the chief; and shall have 4676  
had practical experience obtained by actual contact with gas in 4677  
mines and have knowledge of the dangers and nature of noxious 4678  
and explosive gases and ventilation of gaseous mines. An 4679  
applicant for a certificate as a foreperson of gaseous mines 4680  
shall meet the same requirements, except that the applicant 4681  
shall have had at least three years' actual practical experience 4682  
in the underground workings of a gaseous mine or the equivalent 4683  
thereof in the judgment of the chief. Each applicant for 4684  
examination shall pay a fee established in rules adopted under 4685  
this section to the chief on the first day of such examination. 4686

(C) A person who has been issued a certificate as a mine 4687  
foreperson or a foreperson of a gaseous mine and who has not 4688  
worked in an underground coal mine for a period of more than two 4689  
calendar years shall apply for and obtain recertification from 4690  
the chief in accordance with rules adopted under this section 4691  
before performing the duties of a mine foreperson or a 4692  
foreperson of a gaseous mine. An applicant for recertification 4693  
shall pay a fee established in rules adopted under this section 4694  
at the time of application for recertification. 4695

(D) A person who has been issued a certificate as a mine 4696  
foreperson or a foreperson of a gaseous mine and who has not 4697  
worked in an underground coal mine for a period of one or more 4698  
calendar years shall successfully complete a retraining course 4699  
in accordance with rules adopted under this section before 4700  
performing the duties of a mine foreperson or a foreperson of a 4701

gaseous mine.

4702

(E) The chief, in consultation with a statewide  
association representing the coal mining industry and a  
statewide association representing employees of coal mines,  
shall adopt rules in accordance with Chapter 119. of the Revised  
Code that do all of the following:

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(1) Prescribe requirements, criteria, and procedures for  
the recertification of a mine foreperson or a foreperson of a  
gaseous mine who has not worked in an underground coal mine for  
a period of more than two calendar years;

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(2) Prescribe requirements, criteria, and procedures for  
the retraining of a mine foreperson or a foreperson of a gaseous  
mine who has not worked in an underground coal mine for a period  
of one or more calendar years;

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(3) Establish fees for the examination and recertification  
of mine forepersons or forepersons of gaseous mines under this  
section;

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(4) Prescribe any other requirements, criteria, and  
procedures that the chief determines are necessary to administer  
this section.

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(F) Any money collected under this section shall be paid  
into the state treasury to the credit of the mining regulation  
and safety fund created in section 1513.30 of the Revised Code.

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(G) The chief shall issue a certificate as a foreperson of  
gaseous mines in accordance with section 9.79 of the Revised  
Code to an applicant if either of the following applies:

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(1) The applicant holds a license or certificate in  
another state.

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(2) The applicant has satisfactory work experience, a 4730  
government certification, or a private certification as 4731  
described in that section as a foreperson of gaseous mines in a 4732  
state that does not issue that license or certificate. 4733

**Sec. 1561.17.** (A) ~~A~~Except as provided in division (F) of 4734  
this section, a person who applies for a certificate as mine 4735  
foreperson or foreperson of nongaseous mines shall be able to 4736  
read and write the English language; shall have had at least 4737  
three years' actual practical experience in mines, or the 4738  
equivalent thereof in the judgment of the chief of the division 4739  
of mineral resources management; and shall have knowledge of the 4740  
dangers and nature of noxious gases. Each applicant for 4741  
examination shall pay a fee established in rules adopted under 4742  
this section to the chief on the first day of the examination. 4743

(B) A person who has been issued a certificate as a mine 4744  
foreperson or a foreperson of a nongaseous coal mine and who has 4745  
not worked in an underground coal mine for a period of more than 4746  
two calendar years shall apply for and obtain recertification 4747  
from the chief in accordance with rules adopted under this 4748  
section before performing the duties of a mine foreperson or a 4749  
foreperson of a nongaseous coal mine. An applicant for 4750  
recertification shall pay a fee established in rules adopted 4751  
under this section at the time of application for 4752  
recertification. 4753

(C) A person who has been issued a certificate as a mine 4754  
foreperson or a foreperson of a nongaseous coal mine and who has 4755  
not worked in an underground coal mine for a period of one or 4756  
more calendar years shall successfully complete a retraining 4757  
course in accordance with rules adopted under this section 4758  
before performing the duties of a mine foreperson or a 4759

foreperson of a nongaseous coal mine. 4760

(D) The chief, in consultation with a statewide 4761  
association representing the coal mining industry and a 4762  
statewide association representing employees of coal mines, 4763  
shall adopt rules in accordance with Chapter 119. of the Revised 4764  
Code that do all of the following: 4765

(1) Prescribe requirements, criteria, and procedures for 4766  
the recertification of a mine foreperson or a foreperson of a 4767  
nongaseous coal mine who has not worked in an underground coal 4768  
mine for a period of more than two calendar years; 4769

(2) Prescribe requirements, criteria, and procedures for 4770  
the retraining of a mine foreperson or a foreperson of a 4771  
nongaseous coal mine who has not worked in an underground coal 4772  
mine for a period of one or more calendar years; 4773

(3) Establish fees for the examination and recertification 4774  
of mine forepersons or forepersons of nongaseous coal mines 4775  
under this section; 4776

(4) Prescribe any other requirements, criteria, and 4777  
procedures that the chief determines are necessary to administer 4778  
this section. 4779

(E) Any money collected under this section shall be paid 4780  
into the state treasury to the credit of the mining regulation 4781  
and safety fund created in section 1513.30 of the Revised Code. 4782

(F) The chief shall issue a certificate as a foreperson of 4783  
nongaseous mines in accordance with section 9.79 of the Revised 4784  
Code to an applicant if either of the following applies: 4785

(1) The applicant holds a license or certificate in 4786  
another state. 4787

(2) The applicant has satisfactory work experience, a 4788  
government certification, or a private certification as 4789  
described in that section as a foreperson of nongaseous mines in 4790  
a state that does not issue that license or certificate. 4791

**Sec. 1561.18.** A—(A) Except as provided in division (B) of 4792  
this section, a person who applies for a certificate as a 4793  
foreperson of surface maintenance facilities at underground or 4794  
surface mines shall be able to read and write the English 4795  
language and shall have had at least three years' actual 4796  
practical experience in or around the surface maintenance 4797  
facilities of underground or surface mines or the equivalent 4798  
thereof in the judgment of the chief of the division of mineral 4799  
resources management. Each applicant for examination shall pay a 4800  
fee of ten dollars to the chief on the first day of the 4801  
examination. 4802

(B) The chief shall issue a certificate as a foreperson of 4803  
surface maintenance facilities at underground or surface mines 4804  
in accordance with section 9.79 of the Revised Code to an 4805  
applicant if either of the following applies: 4806

(1) The applicant holds a license or certificate in 4807  
another state. 4808

(2) The applicant has satisfactory work experience, a 4809  
government certification, or a private certification as 4810  
described in that section as a foreperson of surface maintenance 4811  
facilities at underground or surface mines in a state that does 4812  
not issue that license or certificate. 4813

(C) Any money collected under this section shall be paid 4814  
into the state treasury to the credit of the mining regulation 4815  
and safety fund created in section 1513.30 of the Revised Code. 4816

**Sec. 1561.19.** ~~A~~ (A) Except as provided in division (B) of 4817  
this section, a person who applies for a certificate as a mine 4818  
foreperson of surface mines shall be able to read and write the 4819  
English language and shall have had at least five years' actual 4820  
practical experience in surface mines. An applicant for a 4821  
certificate as a foreperson of surface mines shall meet the same 4822  
requirements, except that the applicant shall have had at least 4823  
three years' actual practical experience in surface mines or the 4824  
equivalent thereof in the judgment of the chief of the division 4825  
of mineral resources management. Each applicant for examination 4826  
shall pay a fee of ten dollars to the chief on the first day of 4827  
the examination. 4828

(B) The chief shall issue a certificate as a foreperson of 4829  
surface mines in accordance with section 9.79 of the Revised 4830  
Code to an applicant if either of the following applies: 4831

(1) The applicant holds a license or certificate in 4832  
another state. 4833

(2) The applicant has satisfactory work experience, a 4834  
government certification, or a private certification as 4835  
described in that section as a foreperson of surface mines in a 4836  
state that does not issue that license or certificate. 4837

(C) Any money collected under this section shall be paid 4838  
into the state treasury to the credit of the mining regulation 4839  
and safety fund created in section 1513.30 of the Revised Code. 4840

**Sec. 1561.20.** ~~A~~ (A) Except as provided in division (B) of 4841  
this section, a person who applies for a certificate as a 4842  
surface mine blaster shall be able to read and write the English 4843  
language; shall have had at least one year's actual practical 4844  
experience in surface mines or the equivalent thereof in the 4845

judgment of the chief of the division of mineral resources 4846  
management; shall have knowledge of the dangers and nature of 4847  
the use of explosives, related equipment, and blasting 4848  
techniques; and shall have knowledge of safety laws and rules, 4849  
including those related to the storage, use, and transportation 4850  
of explosives. Each applicant for examination shall pay a fee of 4851  
ten dollars to the chief on the first day of the examination. 4852

(B) The chief shall issue a surface mine blaster 4853  
certificate in accordance with section 9.79 of the Revised Code 4854  
to an applicant if either of the following applies: 4855

(1) The applicant holds a license or certificate in 4856  
another state. 4857

(2) The applicant has satisfactory work experience, a 4858  
government certification, or a private certification as 4859  
described in that section as a surface mine blaster in a state 4860  
that does not issue that license or certificate. 4861

(C) Any money collected under this section shall be paid 4862  
into the state treasury to the credit of the mining regulation 4863  
and safety fund created in section 1513.30 of the Revised Code. 4864

**Sec. 1561.21.** ~~A~~ (A) Except as provided in division (B) of 4865  
this section, a person who applies for a certificate as a shot 4866  
firer shall be able to read and write the English language; 4867  
shall have had at least one year's actual practical experience 4868  
in the underground workings of mines or the equivalent thereof 4869  
in the judgment of the chief of the division of mineral 4870  
resources management; shall have knowledge of the dangers and 4871  
nature of noxious and explosive gases; shall have knowledge of 4872  
the dangers and nature of the use of explosives, related 4873  
equipment, and blasting techniques; and shall have knowledge of 4874

safety laws and rules, including those related to the 4875  
underground storage, use, and transportation of explosives. Each 4876  
applicant for examination shall pay a fee of ten dollars to the 4877  
chief on the first day of the examination. 4878

(B) The chief shall issue a shot firer certificate in 4879  
accordance with section 9.79 of the Revised Code to an applicant 4880  
if either of the following applies: 4881

(1) The applicant holds a license or certificate in 4882  
another state. 4883

(2) The applicant has satisfactory work experience, a 4884  
government certification, or a private certification as 4885  
described in that section as a shot firer in a state that does 4886  
not issue that license or certificate. 4887

(C) Any money collected under this section shall be paid 4888  
into the state treasury to the credit of the mining regulation 4889  
and safety fund created in section 1513.30 of the Revised Code. 4890

(D) Any person who possesses a mine foreperson or 4891  
foreperson certificate issued by the chief shall be considered 4892  
certified as a shot firer. 4893

**Sec. 1561.22.** ~~A~~ (A) Except as provided in division (B) of 4894  
this section, a person who applies for a certificate as fire 4895  
boss shall be able to read and write the English language; shall 4896  
have had at least three years' actual practical experience in 4897  
the underground workings of a gaseous mine or the equivalent 4898  
thereof in the judgment of the chief of the division of mineral 4899  
resources management; and shall have knowledge of the dangers 4900  
and nature of noxious and explosive gases gained by actual 4901  
contact with gas in mines and ventilation of gaseous mines. Each 4902  
applicant for examination shall pay a fee of ten dollars to the 4903



chief on the first day of the examination. 4904

(B) The chief shall issue a fire boss certificate in 4905  
accordance with section 9.79 of the Revised Code to an applicant 4906  
if either of the following applies: 4907

(1) The applicant holds a license or certificate in 4908  
another state. 4909

(2) The applicant has satisfactory work experience, a 4910  
government certification, or a private certification as 4911  
described in that section as a fire boss in a state that does 4912  
not issue that license or certificate. 4913

(C) Any money collected under this section shall be paid 4914  
into the state treasury to the credit of the mining regulation 4915  
and safety fund created in section 1513.30 of the Revised Code. 4916

**Sec. 1565.06.** (A) In emergencies arising at a mine because 4917  
of accident, death, illness, or any other cause, an operator may 4918  
appoint noncertificate persons as forepersons and fire bosses to 4919  
act until certified forepersons and fire bosses satisfactory to 4920  
the operator can be secured. Such appointee may not serve in 4921  
such capacity for a period longer than six months or until such 4922  
time thereafter as an examination is held for such certified 4923  
persons under section 1561.13 of the Revised Code. The employer 4924  
of such noncertificate person shall, upon appointment of such 4925  
noncertificate person in this capacity, forward the name of such 4926  
noncertificate person to the chief of the division of mineral 4927  
resources management. 4928

(B) An operator may appoint as a temporary foreperson or 4929  
fire boss a noncertificate person who is within six months of 4930  
possessing the necessary actual practical experience to qualify 4931  
to take the examination for certification for the position to 4932

which the person is temporarily appointed. Upon appointment of a  
noncertificate person, the operator shall forward the name,  
social security number, and brief summary of the person's actual  
practical experience to the chief, and the chief shall issue the  
person a temporary certificate for the position to which the  
person has been temporarily appointed. A temporary certificate  
issued under this division is valid for six months or until such  
time thereafter as an examination is held under section 1561.13  
of the Revised Code for the position to which the person has  
been temporarily appointed.

(C) A person who possesses a valid certificate issued by  
another state for a position for which the chief issues a  
certificate shall be eligible for a temporary certificate from  
the chief upon presentation to the chief of a copy of the  
certificate from that other state. Section 9.79 of the Revised  
Code does not apply to a certificate issued under this section.  
A temporary certificate issued under this division shall be  
valid for six months.

No operator of a mine shall violate or fail to comply with  
this section.

**Sec. 1565.15.** (A) As used in this section:

(1) "EMT-basic," "EMT-I," "paramedic," and "emergency  
medical service organization" have the same meanings as in  
section 4765.01 of the Revised Code.

(2) "First aid provider" includes a mine medical  
responder, an EMT-basic, an EMT-I, a paramedic, or an employee  
at a surface coal mine who has satisfied the training  
requirements established in division (D)(1) of this section.

(3) "Mine medical responder" means a person who has

satisfied the requirements established in rules adopted under 4962  
division (E) (1) of this section or has been issued a certificate 4963  
under division (E) (2) of this section. 4964

(B) The operator of an underground coal mine where twenty 4965  
or more persons are employed on a shift, including all persons 4966  
working at different locations at the mine within a ten-mile 4967  
radius, shall provide at least one mine medical responder, EMT- 4968  
basic, or EMT-I on duty at the underground coal mine whenever 4969  
employees at the mine are actively engaged in the extraction, 4970  
production, or preparation of coal. The operator shall provide 4971  
mine medical responders, EMTs-basic, or EMTs-I on duty at the 4972  
underground coal mine at times and in numbers sufficient to 4973  
ensure that no miner works in a mine location that cannot be 4974  
reached within a reasonable time by a mine medical responder, an 4975  
EMT-basic, or an EMT-I. Mine medical responders, EMTs-basic, and 4976  
EMTs-I shall be employed on their regular coal mining duties at 4977  
locations convenient for quick response to emergencies in order 4978  
to provide emergency medical services inside the underground 4979  
coal mine and transportation of injured or sick employees to the 4980  
entrance of the mine. The operator shall provide for the 4981  
services of at least one emergency medical service organization 4982  
to be available on call to reach the entrance of the underground 4983  
coal mine within thirty minutes at any time that employees are 4984  
engaged in the extraction, production, or preparation of coal in 4985  
order to provide emergency medical services and transportation 4986  
to a hospital. 4987

The operator shall make available to mine medical 4988  
responders, EMTs-basic, and EMTs-I all of the equipment for 4989  
first aid and emergency medical services that is necessary for 4990  
those personnel to function and to comply with the regulations 4991  
pertaining to first aid and emergency medical services that are 4992

adopted under the "Federal Mine Safety and Health Act of 1977," 4993  
91 Stat. 1290, 30 U.S.C.A. 801, and amendments to it. The 4994  
operator of the underground coal mine shall install telephone 4995  
service or equivalent facilities that enable two-way voice 4996  
communication between the mine medical responders, EMTs-basic, 4997  
or EMTs-I in the mine and the emergency medical service 4998  
organization outside the mine that provides emergency medical 4999  
services on a regular basis. 5000

(C) The operator of a surface coal mine shall provide at 5001  
least one first aid provider on duty at the mine whenever 5002  
employees at the mine are actively engaged in the extraction, 5003  
production, or preparation of coal. The operator shall provide 5004  
first aid providers on duty at the surface coal mine at times 5005  
and in numbers sufficient to ensure that no miner works in a 5006  
mine location that cannot be reached within a reasonable time by 5007  
a first aid provider. First aid providers shall be employed on 5008  
their regular coal mining duties at locations convenient for 5009  
quick response to emergencies in order to provide emergency 5010  
medical services and transportation of injured or sick employees 5011  
to the entrance of the surface coal mine. The operator shall 5012  
provide for the services of at least one emergency medical 5013  
service organization to be available on call to reach the 5014  
entrance of the surface coal mine within thirty minutes at any 5015  
time that employees are engaged in the extraction, production, 5016  
or preparation of coal in order to provide emergency medical 5017  
services and transportation to a hospital. 5018

The operator shall provide at the mine site all of the 5019  
equipment for first aid and emergency medical services that is 5020  
necessary for those personnel to function and to comply with the 5021  
regulations pertaining to first aid and emergency medical 5022  
services that are adopted under the "Federal Mine Safety and 5023

Health Act of 1977," 91 Stat. 1290, 30 U.S.C.A. 801, and 5024  
amendments to it. 5025

(D) (1) An employee at a surface coal mine shall be 5026  
considered to be a first aid provider for the purposes of this 5027  
section if the employee has received from an instructor approved 5028  
by the chief of the division of mineral resources management ten 5029  
hours of initial first aid training as a selected supervisory 5030  
employee under 30 C.F.R. 77.1703 and receives five hours of 5031  
refresher first aid training as a selected supervisory employee 5032  
under 30 C.F.R. 77.1705 in each subsequent calendar year. 5033

(2) Each miner employed at a surface coal mine who is not 5034  
a first aid provider shall receive from an instructor approved 5035  
by the chief three hours of initial first aid training and two 5036  
hours of refresher first aid training in each subsequent 5037  
calendar year. 5038

(3) The training received in accordance with division (D) 5039  
of this section shall consist of a course of instruction 5040  
established in the manual issued by the mine safety and health 5041  
administration in the United States department of labor entitled 5042  
"first aid, a bureau of mines instruction manual" or its 5043  
successor or any other curriculum approved by the chief. The 5044  
training shall be included in the hours of instruction provided 5045  
to miners in accordance with training requirements established 5046  
under 30 C.F.R. part 48, subpart (B), as amended, and 30 C.F.R. 5047  
part 77, as amended. 5048

(E) ~~The~~ (1) Except as provided in division (E) (2) of this 5049  
section, the chief, in consultation with persons certified under 5050  
Chapter 4765. of the Revised Code to teach in an emergency 5051  
medical services training program, shall adopt rules in 5052  
accordance with Chapter 119. of the Revised Code that do all of 5053

the following:

~~(1) (a) Prescribe training requirements for a mine medical responder that specifically focus on treating injuries and illnesses associated with underground coal mining;~~

~~(2) (b) Prescribe an examination for a mine medical responder;~~

~~(3) (c) Prescribe continuing training requirements for a mine medical responder;~~

~~(4) (d) Establish the fee for examination for a mine medical responder;~~

~~(5) (e) Prescribe any other requirements, criteria, and procedures that the chief determines are necessary regarding the training, examination, and continuing training of mine medical responders.~~

~~If a person qualifies as a mine medical responder or similar classification in another state, the person may provide emergency medical services as a mine medical responder in this state without completing the training or passing the examination that is required in rules adopted under this division, provided that the chief determines that the person's qualifications from the other state satisfy all of the applicable requirements that are established in rules adopted under this division.~~

(2) The chief shall issue a mine medical responder certificate in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies:

(a) The applicant holds a certificate in another state.

(b) The applicant has satisfactory work experience, a government certification, or a private certification as

described in that section as a mine medical responder in a state 5082  
that does not issue that certificate. 5083

(F) Each operator of a surface coal mine shall establish, 5084  
keep current, and make available for inspection an emergency 5085  
medical plan that includes the telephone numbers of the division 5086  
of mineral resources management and of an emergency medical 5087  
services organization the services of which are required to be 5088  
retained under division (C) of this section. The chief shall 5089  
adopt rules in accordance with Chapter 119. of the Revised Code 5090  
that establish any additional information required to be 5091  
included in an emergency medical plan. 5092

(G) Each operator of an underground coal mine or surface 5093  
coal mine shall provide or contract to obtain emergency medical 5094  
services training or first aid training, as applicable, at the 5095  
operator's expense, that is sufficient to train and maintain the 5096  
certification of the number of employees necessary to comply 5097  
with division (B) of this section and that is sufficient to 5098  
train employees as required under division (D) of this section 5099  
and to comply with division (C) of this section. 5100

(H) The division may provide emergency medical services 5101  
training for coal mine employees by operating an emergency 5102  
medical services training program accredited under section 5103  
4765.17 of the Revised Code or by contracting with the operator 5104  
of an emergency medical services training program accredited 5105  
under that section to provide that training. The division may 5106  
charge coal mine operators a uniform part of the unit cost per 5107  
trainee. 5108

(I) No coal mine operator shall violate or fail to comply 5109  
with this section. 5110

**Sec. 1707.15.** (A) Application for a dealer's license shall 5111  
be made in accordance with this section and by filing with the 5112  
division of securities the information, materials, and forms 5113  
specified in rules adopted by the division, along with all of 5114  
the following information: 5115

(1) The name and address of the applicant; 5116

(2) The location and addresses of the principal office and 5117  
all other offices of the applicant; 5118

(3) A general description of the business of the applicant 5119  
done prior to the application, including a list of states in 5120  
which the applicant is a licensed dealer. 5121

(B) (1) The division may investigate any applicant for a 5122  
license, and may require such additional information as it deems 5123  
necessary to determine the applicant's business reputе and 5124  
qualifications to act as a dealer in securities. 5125

(2) If the application for any license involves 5126  
investigation outside of this state, the applicant may be 5127  
required by the division to advance sufficient funds to pay any 5128  
of the actual expenses of such examination. An itemized 5129  
statement of any such expenses which the applicant is required 5130  
to pay shall be furnished the applicant by the division. 5131

(C) The division shall by rule require one natural person 5132  
who is a principal, officer, director, general partner, manager, 5133  
or employee of a dealer to pass an examination designated by the 5134  
division. Each dealer that is not a natural person shall notify 5135  
the division of the name and relationship to the dealer of the 5136  
natural person who has passed the examination on behalf of the 5137  
dealer and who will serve as the designated principal on behalf 5138  
of the dealer. 5139



(D) Dealers shall employ as salespersons only those salespersons who are licensed under this chapter. If at any time a salesperson resigns or is discharged or a new salesperson is added, the dealer shall promptly notify the division.

(E) ~~If (1) Except as provided in division (E) (2) of this section, if~~ the division finds that the applicant is of good business repute, appears qualified to act as a dealer in securities, and has fully complied with this chapter and rules adopted under this chapter by the division, the division, upon payment of the fees prescribed by division (B) of section 1707.17 of the Revised Code, shall issue to the applicant a license authorizing the applicant to act as a dealer.

(2) The division shall issue a license to act as a dealer in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies:

(a) The applicant holds a license in another state;

(b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a dealer in a state that does not issue that license.

**Sec. 1707.151.** (A) Application for an investment adviser's license shall be made in accordance with this section and by filing with the division of securities the information, materials, and forms specified in rules adopted by the division.

(B) (1) The division may investigate any applicant for a license and may require any additional information as it considers necessary to determine the applicant's business repute and qualifications to act as an investment adviser.

(2) If the application for any license involves

investigation outside of this state, the applicant may be 5169  
required by the division to advance sufficient funds to pay any 5170  
of the actual expenses of the examination. The division shall 5171  
furnish the applicant with an itemized statement of such 5172  
expenses that the applicant is required to pay. 5173

(C) The division shall by rule require a natural person 5174  
who is an applicant for an investment adviser's license to pass 5175  
an examination designated by the division or achieve a specified 5176  
professional designation. 5177

(D) An investment adviser licensed under section 1707.141 5178  
of the Revised Code shall employ only investment adviser 5179  
representatives licensed, or exempted from licensure, under 5180  
section 1707.161 of the Revised Code. 5181

(E) ~~If (1) Except as provided in division (E) (2) of this~~ 5182  
~~section, if~~ the division finds that the applicant is of good 5183  
business repute, appears to be qualified to act as an investment 5184  
adviser, and has complied with this chapter and rules adopted 5185  
under this chapter by the division, the division, upon payment 5186  
of the fees prescribed by division (B) of section 1707.17 of the 5187  
Revised Code, shall issue to the applicant a license authorizing 5188  
the applicant to act as an investment adviser. 5189

(2) The division shall issue a license to act as an 5190  
investment adviser in accordance with section 9.79 of the 5191  
Revised Code to an applicant if either of the following applies: 5192

(a) The applicant holds a license in another state. 5193

(b) The applicant has satisfactory work experience, a 5194  
government certification, or a private certification as 5195  
described in that section as an investment adviser in a state 5196  
that does not issue that license. 5197

**Sec. 1707.16.** (A) Every salesperson of securities must be 5198  
licensed by the division of securities and shall be employed, 5199  
authorized, or appointed only by the licensed dealer specified 5200  
in the salesperson's license. If the relationship between the 5201  
salesperson and the dealer is severed, the salesperson's license 5202  
shall be void. 5203

(B) Application for a salesperson's license shall be made 5204  
in accordance with this section and by filing with the division 5205  
the information, materials, and forms specified in rules adopted 5206  
by the division, along with all of the following information: 5207

(1) The name and complete residence and business addresses 5208  
of the applicant; 5209

(2) The name of the dealer who is employing the applicant 5210  
or who intends to employ the applicant; 5211

(3) The applicant's age and education, and the applicant's 5212  
experience in the sale of securities; whether the applicant has 5213  
ever been licensed by the division, and if so, when; whether the 5214  
applicant has ever been refused a license by the division; and 5215  
whether the applicant has ever been licensed or refused a 5216  
license or any similar permit by any division or commissioner of 5217  
securities, whatsoever name known or designated, anywhere. 5218

(C) The division shall by rule require an applicant to 5219  
pass an examination designated by the division. 5220

(D) ~~If~~ (1) Except as provided in division (D) (2) of this 5221  
section, if the division finds that the applicant is of good 5222  
business repute, appears to be qualified to act as a salesperson 5223  
of securities, and has fully complied with this chapter, and 5224  
that the dealer named in the application is a licensed dealer, 5225  
the division shall, upon payment of the fees prescribed by 5226

section 1707.17 of the Revised Code, issue a license to the 5227  
applicant authorizing the applicant to act as salesperson for 5228  
the dealer named in the application. 5229

(2) The division shall issue a license to act as a 5230  
salesperson of securities in accordance with section 9.79 of the 5231  
Revised Code to an applicant if either of the following applies: 5232

(a) The applicant holds a license in another state. 5233

(b) The applicant has satisfactory work experience, a 5234  
government certification, or a private certification as 5235  
described in that section as a salesperson of securities in a 5236  
state that does not issue that license. 5237

**Sec. 1707.161.** (A) No person shall act as an investment 5238  
adviser representative, unless one of the following applies: 5239

(1) The person is licensed as an investment adviser 5240  
representative by the division of securities. 5241

(2) The person is a natural person who is licensed as an 5242  
investment adviser by the division, and does not act as an 5243  
investment adviser representative for another investment 5244  
adviser; however, a natural person who is licensed as an 5245  
investment adviser by the division may act as an investment 5246  
adviser representative for another investment adviser if the 5247  
natural person also is licensed by the division, or is properly 5248  
excepted from licensure, as an investment adviser representative 5249  
of the other investment adviser. 5250

(3) The person is employed by or associated with an 5251  
investment adviser registered under section 203 of the 5252  
"Investment Advisers Act of 1940," 15 U.S.C. 80b-3, and does not 5253  
have a place of business in this state. 5254

(4) The person is employed by or associated with an 5255  
investment adviser that is excepted from licensure pursuant to 5256  
division (A) (3), (4), (5), or (6) of section 1707.141 of the 5257  
Revised Code or excepted from notice filing pursuant to division 5258  
(B) (3) of section 1707.141 of the Revised Code. 5259

(B) (1) No investment adviser representative required to be 5260  
licensed under this section shall act as an investment adviser 5261  
representative for more than two investment advisers. An 5262  
investment adviser representative that acts as an investment 5263  
adviser representative for two investment advisers shall do so 5264  
only after the occurrence of both of the following: 5265

(a) Being properly licensed, or properly excepted from 5266  
licensure under this section, as an investment adviser 5267  
representative for both investment advisers; 5268

(b) Complying with the requirements set forth in rules 5269  
adopted by the division regarding consent of both investment 5270  
advisers and notice. 5271

(2) Nothing in this section shall be construed to prohibit 5272  
a natural person from being licensed by the division as both an 5273  
investment adviser and an investment adviser representative. 5274

(3) Nothing in this section shall be construed to prohibit 5275  
a natural person from being licensed by the division as both a 5276  
salesperson and an investment adviser representative. 5277

(4) Nothing in this section shall be construed to prohibit 5278  
a natural person from being licensed by the division as both a 5279  
dealer and an investment adviser representative. 5280

(C) An investment adviser representative's license issued 5281  
under this section shall not be effective during any period when 5282  
the investment adviser representative is not employed by or 5283

associated with an investment adviser that is licensed by the 5284  
division or that is in compliance with the notice filing 5285  
requirements of division (B) of section 1707.141 of the Revised 5286  
Code. Notice of the commencement and termination of the 5287  
employment or association of an investment adviser 5288  
representative licensed under this section shall be given to the 5289  
division within thirty days after the commencement or 5290  
termination by either of the following: 5291

(1) The investment adviser, in the case of an investment 5292  
adviser representative licensed under this section and employed 5293  
by or associated with, or formerly employed by or associated 5294  
with, an investment adviser licensed under section 1707.141 of 5295  
the Revised Code; 5296

(2) The investment adviser representative, in the case of 5297  
an investment adviser representative licensed under this section 5298  
and employed by or associated with, or formerly employed by or 5299  
associated with, an investment adviser that is subject to the 5300  
notice filings requirements of division (B) of section 1707.141 5301  
of the Revised Code. 5302

(D) (1) Application for an investment adviser 5303  
representative license shall be made in accordance with this 5304  
section and by filing with the division the information, 5305  
materials, and forms specified in rules adopted by the division. 5306

(2) The division shall by rule require an applicant to 5307  
pass an examination designated by the division or achieve a 5308  
specified professional designation. 5309

(3) Prior to issuing the investment adviser representative 5310  
license, the division may require the applicant to reimburse the 5311  
division for the actual expenses incurred in investigating the 5312

applicant. An itemized statement of any such expenses that the 5313  
applicant is required to pay shall be furnished to the applicant 5314  
by the division. 5315

(E) ~~If~~ (1) Except as provided in division (E) (2) of this 5316  
section, if the division finds that the applicant is of good 5317  
business repute, appears to be qualified to act as an investment 5318  
adviser representative, and has complied with sections 1707.01 5319  
to 1707.45 of the Revised Code and the rules adopted under those 5320  
sections by the division, the division, upon payment of the fees 5321  
prescribed by division (B) of section 1707.17 of the Revised 5322  
Code, shall issue to the applicant a license authorizing the 5323  
applicant to act as an investment adviser representative for the 5324  
investment adviser, or investment advisers that are under common 5325  
ownership or control, named in the application. 5326

(2) The division shall issue a license to act as an 5327  
investment adviser representative in accordance with section 5328  
9.79 of the Revised Code to an applicant if either of the 5329  
following applies: 5330

(a) The applicant holds a license in another state. 5331

(b) The applicant has satisfactory work experience, a 5332  
government certification, or a private certification as 5333  
described in that section as an investment adviser 5334  
representative in a state that does not issue that license. 5335

**Sec. 1707.163.** (A) Application for a state retirement 5336  
system investment officer's license shall be made in accordance 5337  
with this section by filing with the division of securities the 5338  
information, materials, and forms specified in rules adopted by 5339  
the division. 5340

(B) (1) The division may investigate any applicant for a 5341

license and may require any additional information as it 5342  
considers necessary to determine the applicant's business reput 5343  
and qualifications to act as an investment officer. 5344

(2) If the application for a state retirement system 5345  
investment officer's license involves investigation outside of 5346  
this state, the applicant may be required by the division to 5347  
advance sufficient funds to pay any of the actual expenses of 5348  
the investigation. The division shall furnish the applicant with 5349  
an itemized statement of the expenses the applicant is required 5350  
to pay. 5351

(C) The division shall by rule require an applicant for a 5352  
state retirement system investment officer's license to pass an 5353  
examination designated by the division or achieve a specified 5354  
professional designation unless the applicant meets both of the 5355  
following requirements: 5356

(1) Acts as a state retirement system investment officer 5357  
~~on the effective date of this section~~ September 15, 2004; 5358

(2) Has experience or equivalent education acceptable to 5359  
the division. 5360

(D) ~~If (1) Except as provided in division (D) (2) of this~~ 5361  
section, if the division finds that the applicant is of good 5362  
business reput 5363  
e, appears to be qualified to act as a state 5364  
retirement system investment officer, and has complied with this 5365  
chapter and rules adopted under this chapter by the division, 5366  
the division, on payment of the fees prescribed by division (B) 5367  
of section 1707.17 of the Revised Code, shall issue to the 5368  
applicant a license authorizing the applicant to act as a state 5369  
retirement system investment officer. 5369

(2) The division shall issue a license authorizing an 5370



applicant to act as a state retirement system investment officer 5371  
in accordance with section 9.79 of the Revised Code to an 5372  
applicant if either of the following applies: 5373

(a) The applicant holds a license in another state. 5374

(b) The applicant has satisfactory work experience, a 5375  
government certification, or a private certification as 5376  
described in that section as a state retirement system 5377  
investment officer in a state that does not issue that license. 5378

**Sec. 1707.165.** (A) Application for a bureau of workers' 5379  
compensation chief investment officer's license shall be made in 5380  
accordance with this section by filing with the division of 5381  
securities the information, materials, and forms specified in 5382  
rules adopted by the division. 5383

(B) The division may investigate any applicant for a 5384  
license and may require any additional information as it 5385  
considers necessary to determine the applicant's business repute 5386  
and qualifications to act as a chief investment officer. If the 5387  
application for a bureau of workers' compensation chief 5388  
investment officer's license involves investigation outside of 5389  
this state, the applicant may be required by the division to 5390  
advance sufficient funds to pay any of the actual expenses of 5391  
the investigation. The division shall furnish the applicant with 5392  
an itemized statement of the expenses the applicant is required 5393  
to pay. 5394

(C) The division shall by rule require an applicant for a 5395  
bureau of workers' compensation chief investment officer's 5396  
license to pass an examination designated by the division or 5397  
achieve a specified professional designation unless the 5398  
applicant meets both of the following requirements: 5399

(1) Acts as a bureau of workers' compensation chief 5400  
investment officer on ~~the effective date of this section,~~ 5401  
September 29, 2005; 5402

(2) Has experience or education acceptable to the 5403  
division. 5404

(D) ~~If (1)~~ Except as provided in division (D) (2) of this 5405  
section, if the division finds that the applicant is of good 5406  
business repute, appears to be qualified to act as a bureau of 5407  
workers' compensation chief investment officer, and has complied 5408  
with this chapter and rules adopted by the division under this 5409  
chapter, the division, upon receipt of the fees prescribed by 5410  
division (B) of section 1707.17 of the Revised Code, shall issue 5411  
to the applicant a license authorizing the applicant to act as a 5412  
bureau of workers' compensation chief investment officer. 5413

(2) The division shall issue a license to act as a bureau 5414  
of workers' compensation chief investment officer in accordance 5415  
with section 9.79 of the Revised Code to an applicant if either 5416  
of the following applies: 5417

(a) The applicant holds a license in another state. 5418

(b) The applicant has satisfactory work experience, a 5419  
government certification, or a private certification as 5420  
described in that section as a bureau of workers' compensation 5421  
chief investment officer in a state that does not issue that 5422  
license. 5423

**Sec. 1717.06.** (A) A county humane society organized under 5424  
section 1717.05 of the Revised Code may appoint agents for the 5425  
purpose of prosecuting any person guilty of an act of cruelty to 5426  
persons or animals. Such agents may arrest any person found 5427  
violating this chapter or any other law for protecting persons 5428

or animals or preventing acts of cruelty thereto. Upon making an 5429  
arrest the agent forthwith shall convey the person arrested 5430  
before some court or magistrate having jurisdiction of the 5431  
offense, and there make complaint against the person on oath or 5432  
affirmation of the offense. 5433

(B) All appointments of agents under this section shall be 5434  
approved by the mayor of the municipal corporation for which 5435  
they are made. If the society exists outside a municipal 5436  
corporation, such appointments shall be approved by the probate 5437  
judge of the county for which they are made. The mayor or 5438  
probate judge shall keep a record of such appointments. 5439

(C) In order to qualify for appointment as a humane agent 5440  
under this section, a person first shall successfully complete a 5441  
minimum of twenty hours of training on issues relating to the 5442  
investigation and prosecution of cruelty to and neglect of 5443  
animals. The training shall comply with rules recommended by the 5444  
peace officer training commission under section 109.73 of the 5445  
Revised Code and shall include, without limitation, instruction 5446  
regarding animal husbandry practices as described in division 5447  
(A) (12) of that section. A person who has been appointed as a 5448  
humane agent under this section prior to April 9, 2003, may 5449  
continue to act as a humane agent for a period of time on and 5450  
after April 9, 2003, without completing the training. However, 5451  
on or before December 31, 2004, a person who has been appointed 5452  
as a humane agent under this section prior to April 9, 2003, 5453  
shall successfully complete the training described in this 5454  
paragraph and submit proof of its successful completion to the 5455  
appropriate appointing mayor or probate judge in order to 5456  
continue to act as a humane agent after December 31, 2004. 5457

(D) The Ohio peace officer training commission shall issue 5458

a certificate of completion of the training program required for 5459  
appointment as a humane agent under this section in accordance 5460  
with section 9.79 of the Revised Code to an individual if either 5461  
of the following applies: 5462

(1) The individual holds a certificate of completion of 5463  
such a program in another state. 5464

(2) The individual has satisfactory work experience, a 5465  
government certification, or a private certification as 5466  
described in that section as a humane agent in a state that does 5467  
not require a certificate of completion of such a program. 5468

(E) An agent of a county humane society only has the 5469  
specific authority granted to the agent under this section and 5470  
section 1717.08 of the Revised Code. 5471

**Sec. 3101.10.** A minister upon producing to the secretary 5472  
of state, credentials of the minister's being a regularly 5473  
ordained or licensed minister of any religious society or 5474  
congregation, shall be entitled to receive from the secretary of 5475  
state a license authorizing the minister to solemnize marriages 5476  
in this state so long as the minister continues as a regular 5477  
minister in that society or congregation. A minister shall 5478  
produce for inspection the minister's license to solemnize 5479  
marriages upon demand of any party to a marriage at which the 5480  
minister officiates or proposes to officiate or upon demand of 5481  
any probate judge. The secretary of state shall issue a license 5482  
to solemnize marriages in this state in accordance with section 5483  
9.79 of the Revised Code to a minister if either of the 5484  
following applies: 5485

(A) The minister holds a license in another state. 5486

(B) The minister has satisfactory work experience, a 5487

government certification, or a private certification as 5488  
described in that section as a minister who solemnizes marriages 5489  
in a state that does not issue a license to solemnize marriages. 5490

**Sec. 3301.071.** (A) (1) In-Except as provided in division 5491  
(E) of this section, in the case of nontax-supported schools, 5492  
standards for teacher certification prescribed under section 5493  
3301.07 of the Revised Code shall provide for certification, 5494  
without further educational requirements, of any administrator, 5495  
supervisor, or teacher who has attended and received a 5496  
bachelor's degree from a college or university accredited by a 5497  
national or regional association in the United States except 5498  
that, at the discretion of the state board of education, this 5499  
requirement may be met by having an equivalent degree from a 5500  
foreign college or university of comparable standing. 5501

(2) In-Except as provided in division (E) of this section, 5502  
in the case of nonchartered, nontax-supported schools, the 5503  
standards for teacher certification prescribed under section 5504  
3301.07 of the Revised Code shall provide for certification, 5505  
without further educational requirements, of any administrator, 5506  
supervisor, or teacher who has attended and received a diploma 5507  
from a "bible college" or "bible institute" described in 5508  
division (E) of section 1713.02 of the Revised Code. 5509

(3) A certificate issued under division (A) (3) of this 5510  
section shall be valid only for teaching foreign language, 5511  
music, religion, computer technology, or fine arts. 5512

Notwithstanding division (A) (1) of this section and except 5513  
as provided in division (E) of this section, the standards for 5514  
teacher certification prescribed under section 3301.07 of the 5515  
Revised Code shall provide for certification of a person as a 5516  
teacher upon receipt by the state board of an affidavit signed 5517

by the chief administrative officer of a chartered nonpublic 5518  
school seeking to employ the person, stating that the person 5519  
meets one of the following conditions: 5520

(a) The person has specialized knowledge, skills, or 5521  
expertise that qualifies the person to provide instruction. 5522

(b) The person has provided to the chief administrative 5523  
officer evidence of at least three years of teaching experience 5524  
in a public or nonpublic school. 5525

(c) The person has provided to the chief administrative 5526  
officer evidence of completion of a teacher training program 5527  
named in the affidavit. 5528

(B) Each person applying for a certificate under this 5529  
section for purposes of serving in a nonpublic school chartered 5530  
by the state board under section 3301.16 of the Revised Code 5531  
shall pay a fee in the amount established under division (A) of 5532  
section 3319.51 of the Revised Code. Any fees received under 5533  
this division shall be paid into the state treasury to the 5534  
credit of the state board of education certification fund 5535  
established under division (B) of section 3319.51 of the Revised 5536  
Code. 5537

(C) A person applying for or holding any certificate 5538  
pursuant to this section for purposes of serving in a nonpublic 5539  
school chartered by the state board is subject to sections 5540  
3123.41 to 3123.50 of the Revised Code and any applicable rules 5541  
adopted under section 3123.63 of the Revised Code and sections 5542  
3319.31 and 3319.311 of the Revised Code. 5543

(D) Divisions (B) and (C) of this section and sections 5544  
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 5545  
to any administrators, supervisors, or teachers in nonchartered, 5546

nontax-supported schools.

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(E) The state board shall issue a certificate to serve in  
a nonpublic school as an administrator, supervisor, or teacher  
in accordance with section 9.79 of the Revised Code to an  
applicant if either of the following applies:

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(1) The applicant holds a certificate in another state.

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(2) The applicant has satisfactory work experience, a  
government certification, or a private certification as  
described in that section as a nonpublic school administrator,  
supervisor, or teacher in a state that does not issue one or  
more of those certificates.

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**Sec. 3301.074.** (A) ~~The~~ Except as provided in division (E)  
of this section, the state board of education shall, by rule  
adopted in accordance with Chapter 119. of the Revised Code,  
establish standards for licensing school district treasurers and  
business managers, for the renewal of such licenses, and for the  
issuance of duplicate copies of licenses. Licenses of the  
following types shall be issued or renewed by the board to  
applicants who meet the standards for the license or the renewal  
of the license for which application is made:

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(1) Treasurer, valid for serving as treasurer of a school  
district in accordance with section 3313.22 of the Revised Code;

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(2) Business manager, valid for serving as business  
manager of a school district in accordance with section 3319.03  
of the Revised Code.

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(B) Each application for a license or renewal or duplicate  
copy of a license shall be accompanied by the payment of a fee  
in the amount established under division (A) of section 3319.51  
of the Revised Code. Any fees received under this section shall

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be paid into the state treasury to the credit of the state board 5576  
of education licensure fund established under division (B) of 5577  
section 3319.51 of the Revised Code. 5578

(C) Any person employed under section 3313.22 of the 5579  
Revised Code as a treasurer on July 1, 1983, shall be considered 5580  
to meet the standards for licensure as a treasurer and for 5581  
renewal of such license. Any person employed under section 5582  
3319.03 of the Revised Code as a business manager on July 1, 5583  
1983, shall be considered to meet the standards for licensure as 5584  
a business manager and for renewal of such license. 5585

(D) Any person applying for or holding any license 5586  
pursuant to this section is subject to sections 3123.41 to 5587  
3123.50 of the Revised Code and any applicable rules adopted 5588  
under section 3123.63 of the Revised Code and sections 3319.31 5589  
and 3319.311 of the Revised Code. 5590

(E) The state board shall issue a license to act as a 5591  
school district treasurer or business manager in accordance with 5592  
section 9.79 of the Revised Code to an applicant if either of 5593  
the following applies: 5594

(1) The applicant holds a license in another state. 5595

(2) The applicant has satisfactory work experience, a 5596  
government certification, or a private certification as 5597  
described in that section as a school district treasurer or 5598  
business manager in a state that does not issue one of those 5599  
licenses or both. 5600

**Sec. 3319.088.** As used in this section, "educational 5601  
assistant" means any nonteaching employee in a school district 5602  
who directly assists a teacher as defined in section 3319.09 of 5603  
the Revised Code, by performing duties for which a license 5604



issued pursuant to sections 3319.22 to 3319.30 of the Revised Code is not required.

(A) ~~The~~ Except as provided in division (G) of this section, the state board of education shall issue educational aide permits and educational paraprofessional licenses for educational assistants and shall adopt rules for the issuance and renewal of such permits and licenses which shall be consistent with the provisions of this section. Educational aide permits and educational paraprofessional licenses may be of several types and the rules shall prescribe the minimum qualifications of education, health, and character for the service to be authorized under each type. The prescribed minimum qualifications may require special training or educational courses designed to qualify a person to perform effectively the duties authorized under an educational aide permit or educational paraprofessional license.

(B) (1) ~~Any~~ Except as provided in division (G) of this section, any application for a permit or license, or a renewal or duplicate of a permit or license, under this section shall be accompanied by the payment of a fee in the amount established under division (A) of section 3319.51 of the Revised Code. Any fees received under this division shall be paid into the state treasury to the credit of the state board of education licensure fund established under division (B) of section 3319.51 of the Revised Code.

(2) Any person applying for or holding a permit or license pursuant to this section is subject to sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code and sections 3319.31 and 3319.311 of the Revised Code.

(C) Educational assistants shall at all times while in the 5635  
performance of their duties be under the supervision and 5636  
direction of a teacher as defined in section 3319.09 of the 5637  
Revised Code. Educational assistants may assist a teacher to 5638  
whom assigned in the supervision of pupils, in assisting with 5639  
instructional tasks, and in the performance of duties which, in 5640  
the judgment of the teacher to whom the assistant is assigned, 5641  
may be performed by a person not licensed pursuant to sections 5642  
3319.22 to 3319.30 of the Revised Code and for which a teaching 5643  
license, issued pursuant to sections 3319.22 to 3319.30 of the 5644  
Revised Code is not required. The duties of an educational 5645  
assistant shall not include the assignment of grades to pupils. 5646  
The duties of an educational assistant need not be performed in 5647  
the physical presence of the teacher to whom assigned, but the 5648  
activity of an educational assistant shall at all times be under 5649  
the direction of the teacher to whom assigned. The assignment of 5650  
an educational assistant need not be limited to assisting a 5651  
single teacher. In the event an educational assistant is 5652  
assigned to assist more than one teacher the assignments shall 5653  
be clearly delineated and so arranged that the educational 5654  
assistant shall never be subject to simultaneous supervision or 5655  
direction by more than one teacher. 5656

Educational assistants assigned to supervise children 5657  
shall, when the teacher to whom assigned is not physically 5658  
present, maintain the degree of control and discipline that 5659  
would be maintained by the teacher. 5660

Educational assistants may not be used in place of 5661  
classroom teachers or other employees and any payment of 5662  
compensation by boards of education to educational assistants 5663  
for such services is prohibited. The ratio between the number of 5664  
licensed teachers and the pupils in a school district may not be 5665

decreased by utilization of educational assistants and no 5666  
grouping, or other organization of pupils, for utilization of 5667  
educational assistants shall be established which is 5668  
inconsistent with sound educational practices and procedures. A 5669  
school district may employ up to one full time equivalent 5670  
educational assistant for each six full time equivalent licensed 5671  
employees of the district. Educational assistants shall not be 5672  
counted as licensed employees for purposes of state support in 5673  
the school foundation program and no grouping or regrouping of 5674  
pupils with educational assistants may be counted as a class or 5675  
unit for school foundation program purposes. Neither special 5676  
courses required by the regulations of the state board of 5677  
education, prescribing minimum qualifications of education for 5678  
an educational assistant, nor years of service as an educational 5679  
assistant shall be counted in any way toward qualifying for a 5680  
teacher license, for a teacher contract of any type, or for 5681  
determining placement on a salary schedule in a school district 5682  
as a teacher. 5683

(D) Educational assistants employed by a board of 5684  
education shall have all rights, benefits, and legal protection 5685  
available to other nonteaching employees in the school district, 5686  
except that provisions of Chapter 124. of the Revised Code shall 5687  
not apply to any person employed as an educational assistant, 5688  
and shall be members of the school employees retirement system. 5689  
Educational assistants shall be compensated according to a 5690  
salary plan adopted annually by the board. 5691

Except as provided in this section nonteaching employees 5692  
shall not serve as educational assistants without first 5693  
obtaining an appropriate educational aide permit or educational 5694  
paraprofessional license from the state board of education. A 5695  
nonteaching employee who is the holder of a valid educational 5696

aide permit or educational paraprofessional license shall 5697  
neither render nor be required to render services inconsistent 5698  
with the type of services authorized by the permit or license 5699  
held. No person shall receive compensation from a board of 5700  
education for services rendered as an educational assistant in 5701  
violation of this provision. 5702

Nonteaching employees whose functions are solely 5703  
secretarial-clerical and who do not perform any other duties as 5704  
educational assistants, even though they assist a teacher and 5705  
work under the direction of a teacher shall not be required to 5706  
hold a permit or license issued pursuant to this section. 5707  
Students preparing to become licensed teachers or educational 5708  
assistants shall not be required to hold an educational aide 5709  
permit or paraprofessional license for such periods of time as 5710  
such students are assigned, as part of their training program, 5711  
to work with a teacher in a school district. Such students shall 5712  
not be compensated for such services. 5713

Following the determination of the assignment and general 5714  
job description of an educational assistant and subject to 5715  
supervision by the teacher's immediate administrative officer, a 5716  
teacher to whom an educational assistant is assigned shall make 5717  
all final determinations of the duties to be assigned to such 5718  
assistant. Teachers shall not be required to hold a license 5719  
designated for being a supervisor or administrator in order to 5720  
perform the necessary supervision of educational assistants. 5721

(E) No person who is, or who has been employed as an 5722  
educational assistant shall divulge, except to the teacher to 5723  
whom assigned, or the administrator of the school in the absence 5724  
of the teacher to whom assigned, or when required to testify in 5725  
a court or proceedings, any personal information concerning any 5726

pupil in the school district which was obtained or obtainable by 5727  
the educational assistant while so employed. Violation of this 5728  
provision is grounds for disciplinary action or dismissal, or 5729  
both. 5730

(F) Notwithstanding anything to the contrary in this 5731  
section, the superintendent of a school district may allow an 5732  
employee who does not hold a permit or license issued under this 5733  
section to work as a substitute for an educational assistant who 5734  
is absent on account of illness or on a leave of absence, or to 5735  
fill a temporary position created by an emergency, provided that 5736  
the superintendent believes the employee's application materials 5737  
indicate that the employee is qualified to obtain a permit or 5738  
license under this section. 5739

An employee shall begin work as a substitute under this 5740  
division not earlier than on the date on which the employee 5741  
files an application with the state board for a permit or 5742  
license under this section. An employee shall cease working as a 5743  
substitute under this division on the earliest of the following: 5744

(1) The date on which the employee files a valid permit or 5745  
license issued under this section with the superintendent; 5746

(2) The date on which the employee is denied a permit or 5747  
license under this section; 5748

(3) Sixty days following the date on which the employee 5749  
began work as a substitute under this division. 5750

The superintendent shall ensure that an employee assigned 5751  
to work as a substitute under division (F) of this section has 5752  
undergone a criminal records check in accordance with section 5753  
3319.391 of the Revised Code. 5754

(G) The state board shall issue an educational aide permit 5755

or educational paraprofessional license in accordance with 5756  
section 9.79 of the Revised Code to an applicant if either of 5757  
the following applies: 5758

(1) The applicant holds a permit or license in another 5759  
state. 5760

(2) The applicant has satisfactory work experience, a 5761  
government certification, or a private certification as 5762  
described in that section as an educational aide or educational 5763  
paraprofessional in a state that does not issue that permit or 5764  
license or both. 5765

**Sec. 3319.22.** (A) (1) The state board of education shall 5766  
issue the following educator licenses: 5767

(a) A resident educator license, which shall be valid for 5768  
four years and shall be renewable for reasons specified by rules 5769  
adopted by the state board pursuant to division (A) (3) of this 5770  
section. The state board, on a case-by-case basis, may extend 5771  
the license's duration as necessary to enable the license holder 5772  
to complete the Ohio teacher residency program established under 5773  
section 3319.223 of the Revised Code; 5774

(b) A professional educator license, which shall be valid 5775  
for five years and shall be renewable; 5776

(c) A senior professional educator license, which shall be 5777  
valid for five years and shall be renewable; 5778

(d) A lead professional educator license, which shall be 5779  
valid for five years and shall be renewable. 5780

Licenses issued under division (A) (1) of this section on 5781  
and after ~~the effective date of this amendment~~ November 2, 2018, 5782  
shall specify whether the educator is licensed to teach grades 5783

pre-kindergarten through five, grades four through nine, or 5784  
grades seven through twelve. The changes to the grade band 5785  
specifications under this amendment shall not apply to a person 5786  
who holds a license under division (A) (1) of this section prior 5787  
to ~~the effective date of this amendment~~ November 2, 2018. 5788

Further, the changes to the grade band specifications under this 5789  
amendment shall not apply to any license issued to teach in the 5790  
area of computer information science, bilingual education, 5791  
dance, drama or theater, world language, health, library or 5792  
media, music, physical education, teaching English to speakers 5793  
of other languages, career-technical education, or visual arts 5794  
or to any license issued to an intervention specialist, 5795  
including a gifted intervention specialist, or to any other 5796  
license that does not align to the grade band specifications. 5797

(2) The state board may issue any additional educator 5798  
licenses of categories, types, and levels the board elects to 5799  
provide. 5800

(3) ~~The~~ Except as provided in division (I) of this 5801  
section, the state board shall adopt rules establishing the 5802  
standards and requirements for obtaining each educator license 5803  
issued under this section. The rules shall also include the 5804  
reasons for which a resident educator license may be renewed 5805  
under division (A) (1) (a) of this section. 5806

(B) ~~The~~ Except as provided in division (I) of this 5807  
section, the rules adopted under this section shall require at 5808  
least the following standards and qualifications for the 5809  
educator licenses described in division (A) (1) of this section: 5810

(1) An applicant for a resident educator license shall 5811  
hold at least a bachelor's degree from an accredited teacher 5812  
preparation program or be a participant in the teach for America 5813

program and meet the qualifications required under section 5814  
3319.227 of the Revised Code. 5815

(2) An applicant for a professional educator license 5816  
shall: 5817

(a) Hold at least a bachelor's degree from an institution 5818  
of higher education accredited by a regional accrediting 5819  
organization; 5820

(b) Have successfully completed the Ohio teacher residency 5821  
program established under section 3319.223 of the Revised Code, 5822  
if the applicant's current or most recently issued license is a 5823  
resident educator license issued under this section or an 5824  
alternative resident educator license issued under section 5825  
3319.26 of the Revised Code. 5826

(3) An applicant for a senior professional educator 5827  
license shall: 5828

(a) Hold at least a master's degree from an institution of 5829  
higher education accredited by a regional accrediting 5830  
organization; 5831

(b) Have previously held a professional educator license 5832  
issued under this section or section 3319.222 or under former 5833  
section 3319.22 of the Revised Code; 5834

(c) Meet the criteria for the accomplished or 5835  
distinguished level of performance, as described in the 5836  
standards for teachers adopted by the state board under section 5837  
3319.61 of the Revised Code. 5838

(4) An applicant for a lead professional educator license 5839  
shall: 5840

(a) Hold at least a master's degree from an institution of 5841



higher education accredited by a regional accrediting 5842  
organization; 5843

(b) Have previously held a professional educator license 5844  
or a senior professional educator license issued under this 5845  
section or a professional educator license issued under section 5846  
3319.222 or former section 3319.22 of the Revised Code; 5847

(c) Meet the criteria for the distinguished level of 5848  
performance, as described in the standards for teachers adopted 5849  
by the state board under section 3319.61 of the Revised Code; 5850

(d) Either hold a valid certificate issued by the national 5851  
board for professional teaching standards or meet the criteria 5852  
for a master teacher or other criteria for a lead teacher 5853  
adopted by the educator standards board under division (F) (4) or 5854  
(5) of section 3319.61 of the Revised Code. 5855

(C) The state board shall align the standards and 5856  
qualifications for obtaining a principal license with the 5857  
standards for principals adopted by the state board under 5858  
section 3319.61 of the Revised Code. 5859

(D) If the state board requires any examinations for 5860  
educator licensure, the department of education shall provide 5861  
the results of such examinations received by the department to 5862  
the chancellor of higher education, in the manner and to the 5863  
extent permitted by state and federal law. 5864

(E) Any rules the state board of education adopts, amends, 5865  
or rescinds for educator licenses under this section, division 5866  
(D) of section 3301.07 of the Revised Code, or any other law 5867  
shall be adopted, amended, or rescinded under Chapter 119. of 5868  
the Revised Code except as follows: 5869

(1) Notwithstanding division (E) of section 119.03 and 5870

division (A) (1) of section 119.04 of the Revised Code, in the 5871  
case of the adoption of any rule or the amendment or rescission 5872  
of any rule that necessitates institutions' offering preparation 5873  
programs for educators and other school personnel that are 5874  
approved by the chancellor of higher education under section 5875  
3333.048 of the Revised Code to revise the curriculum of those 5876  
programs, the effective date shall not be as prescribed in 5877  
division (E) of section 119.03 and division (A) (1) of section 5878  
119.04 of the Revised Code. Instead, the effective date of such 5879  
rules, or the amendment or rescission of such rules, shall be 5880  
the date prescribed by section 3333.048 of the Revised Code. 5881

(2) Notwithstanding the authority to adopt, amend, or 5882  
rescind emergency rules in division (G) of section 119.03 of the 5883  
Revised Code, this authority shall not apply to the state board 5884  
of education with regard to rules for educator licenses. 5885

(F) (1) The rules adopted under this section establishing 5886  
standards requiring additional coursework for the renewal of any 5887  
educator license shall require a school district and a chartered 5888  
nonpublic school to establish local professional development 5889  
committees. In a nonpublic school, the chief administrative 5890  
officer shall establish the committees in any manner acceptable 5891  
to such officer. The committees established under this division 5892  
shall determine whether coursework that a district or chartered 5893  
nonpublic school teacher proposes to complete meets the 5894  
requirement of the rules. The department of education shall 5895  
provide technical assistance and support to committees as the 5896  
committees incorporate the professional development standards 5897  
adopted by the state board of education pursuant to section 5898  
3319.61 of the Revised Code into their review of coursework that 5899  
is appropriate for license renewal. The rules shall establish a 5900  
procedure by which a teacher may appeal the decision of a local 5901

professional development committee. 5902

(2) In any school district in which there is no exclusive 5903  
representative established under Chapter 4117. of the Revised 5904  
Code, the professional development committees shall be 5905  
established as described in division (F)(2) of this section. 5906

Not later than the effective date of the rules adopted 5907  
under this section, the board of education of each school 5908  
district shall establish the structure for one or more local 5909  
professional development committees to be operated by such 5910  
school district. The committee structure so established by a 5911  
district board shall remain in effect unless within thirty days 5912  
prior to an anniversary of the date upon which the current 5913  
committee structure was established, the board provides notice 5914  
to all affected district employees that the committee structure 5915  
is to be modified. Professional development committees may have 5916  
a district-level or building-level scope of operations, and may 5917  
be established with regard to particular grade or age levels for 5918  
which an educator license is designated. 5919

Each professional development committee shall consist of 5920  
at least three classroom teachers employed by the district, one 5921  
principal employed by the district, and one other employee of 5922  
the district appointed by the district superintendent. For 5923  
committees with a building-level scope, the teacher and 5924  
principal members shall be assigned to that building, and the 5925  
teacher members shall be elected by majority vote of the 5926  
classroom teachers assigned to that building. For committees 5927  
with a district-level scope, the teacher members shall be 5928  
elected by majority vote of the classroom teachers of the 5929  
district, and the principal member shall be elected by a 5930  
majority vote of the principals of the district, unless there 5931

are two or fewer principals employed by the district, in which 5932  
case the one or two principals employed shall serve on the 5933  
committee. If a committee has a particular grade or age level 5934  
scope, the teacher members shall be licensed to teach such grade 5935  
or age levels, and shall be elected by majority vote of the 5936  
classroom teachers holding such a license and the principal 5937  
shall be elected by all principals serving in buildings where 5938  
any such teachers serve. The district superintendent shall 5939  
appoint a replacement to fill any vacancy that occurs on a 5940  
professional development committee, except in the case of 5941  
vacancies among the elected classroom teacher members, which 5942  
shall be filled by vote of the remaining members of the 5943  
committee so selected. 5944

Terms of office on professional development committees 5945  
shall be prescribed by the district board establishing the 5946  
committees. The conduct of elections for members of professional 5947  
development committees shall be prescribed by the district board 5948  
establishing the committees. A professional development 5949  
committee may include additional members, except that the 5950  
majority of members on each such committee shall be classroom 5951  
teachers employed by the district. Any member appointed to fill 5952  
a vacancy occurring prior to the expiration date of the term for 5953  
which a predecessor was appointed shall hold office as a member 5954  
for the remainder of that term. 5955

The initial meeting of any professional development 5956  
committee, upon election and appointment of all committee 5957  
members, shall be called by a member designated by the district 5958  
superintendent. At this initial meeting, the committee shall 5959  
select a chairperson and such other officers the committee deems 5960  
necessary, and shall adopt rules for the conduct of its 5961  
meetings. Thereafter, the committee shall meet at the call of 5962

the chairperson or upon the filing of a petition with the 5963  
district superintendent signed by a majority of the committee 5964  
members calling for the committee to meet. 5965

(3) In the case of a school district in which an exclusive 5966  
representative has been established pursuant to Chapter 4117. of 5967  
the Revised Code, professional development committees shall be 5968  
established in accordance with any collective bargaining 5969  
agreement in effect in the district that includes provisions for 5970  
such committees. 5971

If the collective bargaining agreement does not specify a 5972  
different method for the selection of teacher members of the 5973  
committees, the exclusive representative of the district's 5974  
teachers shall select the teacher members. 5975

If the collective bargaining agreement does not specify a 5976  
different structure for the committees, the board of education 5977  
of the school district shall establish the structure, including 5978  
the number of committees and the number of teacher and 5979  
administrative members on each committee; the specific 5980  
administrative members to be part of each committee; whether the 5981  
scope of the committees will be district levels, building 5982  
levels, or by type of grade or age levels for which educator 5983  
licenses are designated; the lengths of terms for members; the 5984  
manner of filling vacancies on the committees; and the frequency 5985  
and time and place of meetings. However, in all cases, except as 5986  
provided in division (F)(4) of this section, there shall be a 5987  
majority of teacher members of any professional development 5988  
committee, there shall be at least five total members of any 5989  
professional development committee, and the exclusive 5990  
representative shall designate replacement members in the case 5991  
of vacancies among teacher members, unless the collective 5992

bargaining agreement specifies a different method of selecting 5993  
such replacements. 5994

(4) Whenever an administrator's coursework plan is being 5995  
discussed or voted upon, the local professional development 5996  
committee shall, at the request of one of its administrative 5997  
members, cause a majority of the committee to consist of 5998  
administrative members by reducing the number of teacher members 5999  
voting on the plan. 6000

(G) (1) The department of education, educational service 6001  
centers, county boards of developmental disabilities, college 6002  
and university departments of education, head start programs, 6003  
and the Ohio education computer network may establish local 6004  
professional development committees to determine whether the 6005  
coursework proposed by their employees who are licensed or 6006  
certificated under this section or section 3319.222 of the 6007  
Revised Code, or under the former version of either section as 6008  
it existed prior to October 16, 2009, meet the requirements of 6009  
the rules adopted under this section. They may establish local 6010  
professional development committees on their own or in 6011  
collaboration with a school district or other agency having 6012  
authority to establish them. 6013

Local professional development committees established by 6014  
county boards of developmental disabilities shall be structured 6015  
in a manner comparable to the structures prescribed for school 6016  
districts in divisions (F) (2) and (3) of this section, as shall 6017  
the committees established by any other entity specified in 6018  
division (G) (1) of this section that provides educational 6019  
services by employing or contracting for services of classroom 6020  
teachers licensed or certificated under this section or section 6021  
3319.222 of the Revised Code, or under the former version of 6022

either section as it existed prior to October 16, 2009. All 6023  
other entities specified in division (G)(1) of this section 6024  
shall structure their committees in accordance with guidelines 6025  
which shall be issued by the state board. 6026

(2) Educational service centers may establish local 6027  
professional development committees to serve educators who are 6028  
not employed in schools in this state, including pupil services 6029  
personnel who are licensed under this section. Local 6030  
professional development committees shall be structured in a 6031  
manner comparable to the structures prescribed for school 6032  
districts in divisions (F)(2) and (3) of this section. 6033

These committees may agree to review the coursework, 6034  
continuing education units, or other equivalent activities 6035  
related to classroom teaching or the area of licensure that is 6036  
proposed by an individual who satisfies both of the following 6037  
conditions: 6038

(a) The individual is licensed or certificated under this 6039  
section or under the former version of this section as it 6040  
existed prior to October 16, 2009. 6041

(b) The individual is not currently employed as an 6042  
educator or is not currently employed by an entity that operates 6043  
a local professional development committee under this section. 6044

Any committee that agrees to work with such an individual 6045  
shall work to determine whether the proposed coursework, 6046  
continuing education units, or other equivalent activities meet 6047  
the requirements of the rules adopted by the state board under 6048  
this section. 6049

(3) Any public agency that is not specified in ~~divisions~~ 6050  
division (G)(1) or (2) of this section but provides educational 6051

services and employs or contracts for services of classroom 6052  
teachers licensed or certificated under this section or section 6053  
3319.222 of the Revised Code, or under the former version of 6054  
either section as it existed prior to October 16, 2009, may 6055  
establish a local professional development committee, subject to 6056  
the approval of the department of education. The committee shall 6057  
be structured in accordance with guidelines issued by the state 6058  
board. 6059

(H) Not later than July 1, 2016, the state board, in 6060  
accordance with Chapter 119. of the Revised Code, shall adopt 6061  
rules pursuant to division (A) (3) of this section that do both 6062  
of the following: 6063

(1) Exempt consistently high-performing teachers from the 6064  
requirement to complete any additional coursework for the 6065  
renewal of an educator license issued under this section or 6066  
section 3319.26 of the Revised Code. The rules also shall 6067  
specify that such teachers are exempt from any requirements 6068  
prescribed by professional development committees established 6069  
under divisions (F) and (G) of this section. 6070

(2) For purposes of division (H) (1) of this section, the 6071  
state board shall define the term "consistently high-performing 6072  
teacher." 6073

(I) The state board shall issue a resident educator 6074  
license, professional educator license, senior professional 6075  
educator license, lead professional educator license, or any 6076  
other educator license in accordance with section 9.79 of the 6077  
Revised Code to an applicant if either of the following applies: 6078

(1) The applicant holds a license in another state. 6079

(2) The applicant has satisfactory work experience, a 6080



government certification, or a private certification as 6081  
described in that section as a resident educator, professional 6082  
educator, senior professional educator, lead professional 6083  
educator, or any other type of educator in a state that does not 6084  
issue one or more of those licenses. 6085

**Sec. 3319.226.** (A) Beginning July 1, 2019, the state board 6086  
of education shall issue educator licenses for substitute 6087  
teaching only under this section. 6088

(B) ~~The~~ Except as provided in division (D) of this 6089  
section, the state board shall adopt rules establishing 6090  
standards and requirements for obtaining a license under this 6091  
section and for renewal of the license. Except as provided in 6092  
division (F) of section 3319.229 of the Revised Code, the rules 6093  
shall require an applicant to hold a post-secondary degree, but 6094  
not in any specified subject area. The rules also shall allow 6095  
the holder of a license issued under this section to work: 6096

(1) For an unlimited number of school days if the license 6097  
holder has a post-secondary degree in either education or a 6098  
subject area directly related to the subject of the class the 6099  
license holder will teach; 6100

(2) For one full semester, subject to the approval of the 6101  
employing school district board of education, if the license 6102  
holder has a post-secondary degree in a subject area that is not 6103  
directly related to the subject of the class that the license 6104  
holder will teach. 6105

The district superintendent may request that the board 6106  
approve one or more additional subsequent semester-long periods 6107  
of teaching for the license holder. 6108

(C) Any license issued or renewed under former section 6109

3319.226 of the Revised Code that was still in force on ~~the~~ 6110  
~~effective date of this section~~ November 2, 2018, shall remain in 6111  
force for the remainder of the term for which it was issued or 6112  
renewed. Upon the expiration of that term, the holder of that 6113  
license shall be subject to licensure under the rules adopted 6114  
under this section. 6115

(D) The state board shall issue an educator license for 6116  
substitute teaching in accordance with section 9.79 of the 6117  
Revised Code to an applicant if either of the following applies: 6118

(1) The applicant holds a license in another state. 6119

(2) The applicant has satisfactory work experience, a 6120  
government certification, or a private certification as 6121  
described in that section as a substitute teacher in a state 6122  
that does not issue that license. 6123

**Sec. 3319.229.** (A) (1) Notwithstanding the repeal of former 6124  
section 3319.229 of the Revised Code by this act, the state 6125  
board of education shall accept applications for new, and for 6126  
renewal of, professional career-technical teaching licenses 6127  
through June 30, 2019, and issue them on the basis of the 6128  
applications received by that date in accordance with the rules 6129  
described in that former section. Except as otherwise provided 6130  
in divisions (A) (2) and (3) of this section, beginning July 1, 6131  
2019, the state board shall issue career-technical workforce 6132  
development educator licenses only under this section. 6133

(2) An individual who, on July 1, 2019, holds a 6134  
professional career-technical teaching license issued under the 6135  
rules described in former section 3319.229 of the Revised Code, 6136  
may continue to renew that license in accordance with those 6137  
rules for the remainder of the individual's teaching career. 6138

However, nothing in this division shall be construed to prohibit 6139  
the individual from applying to the state board for a career- 6140  
technical workforce development educator license under this 6141  
section. 6142

(3) An individual who, on July 1, 2019, holds an 6143  
alternative resident educator license for teaching career- 6144  
technical education issued under section 3319.26 of the Revised 6145  
Code may, upon the expiration of the license, apply for a 6146  
professional career-technical teaching license issued under the 6147  
rules described in former section 3319.229 of the Revised Code. 6148  
Such an individual may continue to renew the professional 6149  
license in accordance with those rules for the remainder of the 6150  
individual's teaching career. However, nothing in this division 6151  
shall be construed to prohibit the individual from applying to 6152  
the state board for a career-technical workforce development 6153  
educator license under this section. 6154

(B) ~~The~~ Except as provided in division (G) of this 6155  
section, the state board, in collaboration with the chancellor 6156  
of higher education, shall adopt rules establishing standards 6157  
and requirements for obtaining a two-year initial career- 6158  
technical workforce development educator license and a five-year 6159  
advanced career-technical workforce development educator 6160  
license. Each license shall be valid for teaching career- 6161  
technical education or workforce development programs in grades 6162  
four through twelve. The rules shall require applicants for 6163  
either license to have a high school diploma. 6164

(C) (1) ~~The~~ Except as provided in division (G) of this 6165  
section, the state board shall issue an initial career-technical 6166  
workforce development educator license to an applicant upon 6167  
request from the superintendent of a school district that has 6168

agreed to employ the applicant. In making the request, the 6169  
superintendent shall provide documentation, in accordance with 6170  
procedures prescribed by the department of education, showing 6171  
that the applicant has at least five years of work experience, 6172  
or the equivalent, in the subject area in which the applicant 6173  
will teach. The license shall be valid for teaching only in the 6174  
requesting district. The superintendent also shall provide 6175  
documentation, in accordance with procedures prescribed by the 6176  
department, that the applicant is enrolled in a career-technical 6177  
workforce development educator preparation program offered by an 6178  
institution of higher education that has an existing teacher 6179  
preparatory program in place that meets all of the following 6180  
criteria: 6181

(a) Is approved by the chancellor of higher education to 6182  
provide instruction in teaching methods and principles; 6183

(b) Provides classroom support to the license holder; 6184

(c) Includes at least three semester hours of coursework 6185  
in the teaching of reading in the subject area; 6186

(d) Is aligned with career-technical education and 6187  
workforce development competencies developed by the department; 6188

(e) Uses a summative performance-based assessment 6189  
developed by the program and aligned to the competencies 6190  
described in division (C)(1)(d) of this section to evaluate the 6191  
license holder's knowledge and skills; 6192

(f) Consists of not less than twenty-four semester hours 6193  
of coursework, or the equivalent. 6194

(2) As a condition of continuing to hold the initial 6195  
career-technical workforce development license, the holder of 6196  
the license shall be participating in a career-technical 6197

workforce development educator preparation program described in 6198  
division (C) (1) of this section. 6199

(3) The state board shall renew an initial career- 6200  
technical workforce development educator license if the 6201  
supervisor of the program described in division (C) (1) of this 6202  
section and the superintendent of the employing school district 6203  
indicate that the applicant is making sufficient progress in 6204  
both the program and the teaching position. 6205

(D) ~~The Except as provided in division (G) of this~~ 6206  
~~section, the~~ state board shall issue an advanced career- 6207  
technical workforce development educator license to an applicant 6208  
who has successfully completed the program described in division 6209  
(C) (1) of this section, as indicated by the supervisor of the 6210  
program, and who demonstrates mastery of the applicable career- 6211  
technical education and workforce development competencies 6212  
described in division (C) (1) (d) of this section in the teaching 6213  
position, as indicated by the superintendent of the employing 6214  
school district. 6215

(E) The holder of an advanced career-technical workforce 6216  
development educator license shall work with a local 6217  
professional development committee established under section 6218  
3319.22 of the Revised Code in meeting requirements for renewal 6219  
of the license. 6220

(F) Notwithstanding the provisions of section 3319.226 of 6221  
the Revised Code, the state board shall not require any 6222  
applicant for an educator license for substitute teaching who 6223  
holds a license issued under this section to hold a post- 6224  
secondary degree in order to be issued a license under section 6225  
3319.226 of the Revised Code to work as a substitute teacher for 6226  
career-technical education classes. 6227

(G) The state board shall issue a license to practice as 6228  
an initial career-technical workforce development educator or 6229  
advanced career-technical workforce development educator in 6230  
accordance with section 9.79 of the Revised Code to an applicant 6231  
if either of the following applies: 6232

(1) The applicant holds a license in another state. 6233

(2) The applicant has satisfactory work experience, a 6234  
government certification, or a private certification as 6235  
described in that section as a career-technical workforce 6236  
development educator in a state that does not issue one or both 6237  
of those licenses. 6238

**Sec. 3319.26.** (A) The—Except as provided in division (H) 6239  
of this section, the state board of education shall adopt rules 6240  
establishing the standards and requirements for obtaining an 6241  
alternative resident educator license for teaching in grades 6242  
kindergarten to twelve, or the equivalent, in a designated 6243  
subject area or in the area of intervention specialist, as 6244  
defined by rule of the state board. The rules shall also include 6245  
the reasons for which an alternative resident educator license 6246  
may be renewed under division (D) of this section. 6247

(B) The superintendent of public instruction and the 6248  
chancellor of higher education jointly shall develop an 6249  
intensive pedagogical training institute to provide instruction 6250  
in the principles and practices of teaching for individuals 6251  
seeking an alternative resident educator license. The 6252  
instruction shall cover such topics as student development and 6253  
learning, pupil assessment procedures, curriculum development, 6254  
classroom management, and teaching methodology. 6255

(C) The—Except as provided in division (H) of this 6256

section, the rules adopted under this section shall require 6257  
applicants for the alternative resident educator license to 6258  
satisfy the following conditions prior to issuance of the 6259  
license, but they shall not require applicants to have completed 6260  
a major or coursework in the subject area for which application 6261  
is being made: 6262

(1) Hold a minimum of a baccalaureate degree; 6263

(2) Successfully complete the pedagogical training 6264  
institute described in division (B) of this section or the 6265  
preservice training provided to participants of a teacher 6266  
preparation program that has been approved by the chancellor. 6267  
The chancellor may approve any such program that requires 6268  
participants to hold a bachelor's degree; have either a 6269  
cumulative undergraduate grade point average of at least 2.5 out 6270  
of 4.0, or its equivalent or a cumulative graduate school grade 6271  
point average of at least 3.0 out of 4.0; and successfully 6272  
complete the program's preservice training. 6273

(3) Pass an examination in the subject area for which 6274  
application is being made. 6275

(D) An alternative resident educator license shall be 6276  
valid for four years and shall be renewable for reasons 6277  
specified by rules adopted by the state board pursuant to 6278  
division (A) of this section. The state board, on a case-by-case 6279  
basis, may extend the license's duration as necessary to enable 6280  
the license holder to complete the Ohio teacher residency 6281  
program established under section 3319.223 of the Revised Code. 6282

(E) The rules shall require the holder of an alternative 6283  
resident educator license, as a condition of continuing to hold 6284  
the license, to do all of the following: 6285

- (1) Participate in the Ohio teacher residency program; 6286
- (2) Show satisfactory progress in taking and successfully 6287  
completing one of the following: 6288
- (a) At least twelve additional semester hours, or the 6289  
equivalent, of college coursework in the principles and 6290  
practices of teaching in such topics as student development and 6291  
learning, pupil assessment procedures, curriculum development, 6292  
classroom management, and teaching methodology; 6293
- (b) Professional development provided by a teacher 6294  
preparation program that has been approved by the chancellor 6295  
under division (C) (2) of this section. 6296
- (3) Take an assessment of professional knowledge in the 6297  
second year of teaching under the license. 6298
- (F) The rules shall provide for the granting of a 6299  
professional educator license to a holder of an alternative 6300  
resident educator license upon successfully completing all of 6301  
the following: 6302
- (1) Four years of teaching under the alternative license; 6303
- (2) The additional college coursework or professional 6304  
development described in division (E) (2) of this section; 6305
- (3) The assessment of professional knowledge described in 6306  
division (E) (3) of this section. The standards for successfully 6307  
completing this assessment and the manner of conducting the 6308  
assessment shall be the same as for any other individual who is 6309  
required to take the assessment pursuant to rules adopted by the 6310  
state board under section 3319.22 of the Revised Code. 6311
- (4) The Ohio teacher residency program; 6312



(5) All other requirements for a professional educator 6313  
license adopted by the state board under section 3319.22 of the 6314  
Revised Code. 6315

(G) A person who is assigned to teach in this state as a 6316  
participant in the teach for America program or who has 6317  
completed two years of teaching in another state as a 6318  
participant in that program shall be eligible for a license only 6319  
under section 3319.227 of the Revised Code and shall not be 6320  
eligible for a license under this section. 6321

(H) The board shall issue an alternative resident educator 6322  
license in accordance with section 9.79 of the Revised Code to 6323  
an applicant if either of the following applies: 6324

(1) The applicant holds a license in another state. 6325

(2) The applicant has satisfactory work experience, a 6326  
government certification, or a private certification as 6327  
described in that section as an educator for grades kindergarten 6328  
through twelve in a state that does not issue that license. 6329

**Sec. 3319.261.** (A) Notwithstanding any other provision of 6330  
the Revised Code or any rule adopted by the state board of 6331  
education to the contrary and except as provided in division (C) 6332  
of this section, the state board shall issue an alternative 6333  
resident educator license under division (C) of section 3319.26 6334  
of the Revised Code to each applicant who meets the following 6335  
conditions: 6336

(1) Holds a bachelor's degree from an accredited 6337  
institution of higher education; 6338

(2) Has successfully completed a teacher education program 6339  
offered by one of the following entities: 6340

- (a) The American Montessori society; 6341
- (b) The association Montessori internationale; 6342
- (c) An institution accredited by the Montessori 6343  
accreditation council for teacher education. 6344
- (3) Is employed in a school that operates a program that 6345  
uses the Montessori method endorsed by the American Montessori 6346  
society, the Montessori accreditation council for teacher 6347  
education, or the association Montessori internationale as its 6348  
primary method of instruction. 6349
- (B) The holder of an alternative resident educator license 6350  
issued under this section shall be subject to divisions (A), 6351  
(B), (D), and (E) of section 3319.26 of the Revised Code and 6352  
shall be granted a professional educator license upon successful 6353  
completion of the requirements described in division (F) of 6354  
section 3319.26 of the Revised Code. 6355
- (C) The state board shall issue an alternative resident 6356  
educator license under this section in accordance with section 6357  
9.79 of the Revised Code to an applicant if either of the 6358  
following applies: 6359
- (1) The applicant holds a license in another state. 6360
- (2) The applicant has satisfactory work experience, a 6361  
government certification, or a private certification as 6362  
described in that section as an educator providing instruction 6363  
in a Montessori-method school in a state that does not issue 6364  
that license. 6365
- Sec. 3319.262.** (A) Notwithstanding any other provision of 6366  
the Revised Code or any rule adopted by the state board of 6367  
education to the contrary and except as provided in division (C) 6368

of this section, the state board shall adopt rules establishing 6369  
standards and requirements for obtaining a nonrenewable four- 6370  
year initial early college high school educator license for 6371  
teaching grades seven through twelve at an early college high 6372  
school described in section 3313.6013 of the Revised Code to any 6373  
applicant who meets the following conditions: 6374

(1) Has a graduate or terminal degree from an accredited 6375  
institution of higher education in a field related to the 6376  
subject area to be taught, as determined by the department of 6377  
education; 6378

(2) Has obtained a passing score on an examination in the 6379  
subject area to be taught, as prescribed by the state board; 6380

(3) Has experience teaching students at any grade level, 6381  
including post-secondary students; 6382

(4) Has proof that an early college high school intends to 6383  
employ the applicant pending a valid license under this section. 6384

An individual licensed under this section shall be subject 6385  
to sections 3319.291 and 3319.39 of the Revised Code. An initial 6386  
educator license issued under division (A) of this section shall 6387  
be valid for teaching only at the employing school described in 6388  
division (A) (4) of this section. 6389

(B) After four years of teaching under an initial early 6390  
college high school educator license issued under this section, 6391  
an individual may apply for a renewable five-year professional 6392  
educator license in the same subject area named in the initial 6393  
license. The state board shall issue the applicant a 6394  
professional educator license if the applicant attains a passing 6395  
score on an assessment of professional knowledge prescribed by 6396  
the state board. Nothing in division (B) of this section shall 6397

be construed to prohibit an individual from applying for a 6398  
professional ~~education~~ educator license under section 3319.22 6399  
of the Revised Code. 6400

(C) The state board shall issue an initial early college 6401  
high school educator license in accordance with section 9.79 of 6402  
the Revised Code to an applicant if either of the following 6403  
applies: 6404

(1) The applicant holds a license in another state. 6405

(2) The applicant has satisfactory work experience, a 6406  
government certification, or a private certification as 6407  
described in that section as an early college high school 6408  
educator in a state that does not issue that license. 6409

**Sec. 3319.27.** (A) The ~~Except as provided in division (C)~~ 6410  
of this section, the state board of education shall adopt rules 6411  
that establish an alternative principal license. The rules 6412  
establishing an alternative principal license shall include a 6413  
requirement that an applicant have obtained classroom teaching 6414  
experience. Beginning on the effective date of the rules, the 6415  
state board shall cease to issue temporary educator licenses 6416  
pursuant to section 3319.225 of the Revised Code for employment 6417  
as a principal. Any person who on the effective date of the 6418  
rules holds a valid temporary educator license issued under that 6419  
section and is employed as a principal shall be allowed to 6420  
continue employment as a principal until the expiration of the 6421  
license. Employment of any such person as a principal by a 6422  
school district after the expiration of the temporary educator 6423  
license shall be contingent upon the state board issuing the 6424  
person an alternative principal license in accordance with the 6425  
rules adopted under this division. 6426

(B) The Except as provided in division (C) of this 6427  
section, the state board shall adopt rules that establish an 6428  
alternative administrator license, which shall be valid for 6429  
employment as a superintendent or in any other administrative 6430  
position except principal. Beginning on the effective date of 6431  
the rules, the state board shall cease to issue temporary 6432  
educator licenses pursuant to section 3319.225 of the Revised 6433  
Code for employment as a superintendent or in any other 6434  
administrative position except principal. Any person who on the 6435  
effective date of the rules holds a valid temporary educator 6436  
license issued under that section and is employed as a 6437  
superintendent or in any other administrative position except 6438  
principal shall be allowed to continue employment in that 6439  
position until the expiration of the license. Employment of any 6440  
such person as a superintendent or in any other administrative 6441  
position except principal by a school district after the 6442  
expiration of the temporary educator license shall be contingent 6443  
upon the state board issuing the person an alternative 6444  
administrator license in accordance with the rules adopted under 6445  
this division. 6446

(C) The state board shall issue an alternative principal 6447  
or alternative administrator license in accordance with section 6448  
9.79 of the Revised Code to an applicant if either of the 6449  
following applies: 6450

(1) The applicant holds a license in another state. 6451

(2) The applicant has satisfactory work experience, a 6452  
government certification, or a private certification as 6453  
described in that section as a school principal or school 6454  
administrator in a state that does not issue one or both of 6455  
those licenses. 6456

**Sec. 3319.28.** (A) As used in this section, "STEM school" 6457  
means a science, technology, engineering, and mathematics school 6458  
established under Chapter 3326. of the Revised Code. 6459

(B) Notwithstanding any other provision of the Revised 6460  
Code or any rule adopted by the state board of education to the 6461  
contrary and except as provided in division (F) of this section, 6462  
the state board shall issue a two-year provisional educator 6463  
license for teaching science, technology, engineering, or 6464  
mathematics in grades six through twelve in a STEM school to any 6465  
applicant who meets the following conditions: 6466

(1) Holds a bachelor's degree from an accredited 6467  
institution of higher education in a field related to the 6468  
subject area to be taught; 6469

(2) Has passed an examination prescribed by the state 6470  
board in the subject area to be taught. 6471

(C) The holder of a provisional educator license issued 6472  
under this section shall complete a structured apprenticeship 6473  
program provided by an educational service center or a teacher 6474  
preparation program approved under section 3333.048 of the 6475  
Revised Code, in partnership with the STEM school that employs 6476  
the license holder. The apprenticeship program shall include the 6477  
following: 6478

(1) Mentoring by a teacher or administrator who regularly 6479  
observes the license holder's classroom instruction, provides 6480  
feedback on the license holder's teaching strategies and 6481  
classroom management, and engages the license holder in 6482  
discussions about methods for fostering and measuring student 6483  
learning; 6484

(2) Regularly scheduled seminars or meetings that address 6485

the following topics: 6486

(a) The statewide academic standards adopted by the state 6487  
board under section 3301.079 of the Revised Code and the 6488  
importance of aligning curriculum with those standards; 6489

(b) The achievement assessments prescribed by section 6490  
3301.0710 of the Revised Code; 6491

(c) The school district and building accountability system 6492  
established under Chapter 3302. of the Revised Code; 6493

(d) Instructional methods and strategies; 6494

(e) Student development; 6495

(f) Assessing student progress and providing remediation 6496  
and intervention, as necessary, to meet students' special needs; 6497

(g) Classroom management and record keeping. 6498

(D) After two years of teaching under a provisional 6499  
educator license issued under this section, a person may apply 6500  
for a five-year professional educator license in the same 6501  
subject area named in the provisional license. The state board 6502  
shall issue the applicant a professional educator license if the 6503  
applicant meets the following conditions: 6504

(1) The applicant completed the apprenticeship program 6505  
described in division (C) of this section. 6506

(2) The applicant receives a positive recommendation 6507  
indicating that the applicant is an effective teacher from both 6508  
of the following: 6509

(a) The chief administrative officer of the STEM school 6510  
that most recently employed the applicant as a classroom 6511  
teacher; 6512

(b) The educational service center or teacher preparation 6513  
program administrator in charge of the apprenticeship program 6514  
completed by the applicant. 6515

(3) The applicant meets all other requirements for a 6516  
professional educator license adopted by the state board under 6517  
section 3319.22 of the Revised Code. 6518

(E) The department of education shall evaluate the 6519  
experiences of STEM schools with classroom teachers holding 6520  
provisional educator licenses issued under this section. The 6521  
evaluation shall cover the first two school years for which 6522  
licenses are issued and shall consider at least the schools' 6523  
satisfaction with the teachers and the operation of the 6524  
apprenticeship programs. 6525

(F) The state board shall issue a provisional educator 6526  
license for teaching in a STEM school in accordance with section 6527  
9.79 of the Revised Code to an applicant if either of the 6528  
following applies: 6529

(1) The applicant holds a license in another state. 6530

(2) The applicant has satisfactory work experience, a 6531  
government certification, or a private certification as 6532  
described in that section as a STEM educator in a state that 6533  
does not issue that license. 6534

**Sec. 3319.301.** (A) As used in this section, "STEM school" 6535  
means a science, technology, engineering, and mathematics school 6536  
established under Chapter 3326. of the Revised Code. 6537

(B) The state board of education shall issue permits to 6538  
individuals who are not licensed as required by sections 3319.22 6539  
to 3319.30 of the Revised Code, but who are otherwise qualified, 6540  
to teach classes for not more than a total of twelve hours a 6541



week, except that an individual teaching in a STEM school may 6542  
teach classes for not more than a total of forty hours a week. 6543  
The state board, by rule, shall set forth the qualifications, 6544  
other than licensure under sections 3319.22 to 3319.30 of the 6545  
Revised Code, to be met by individuals in order to be issued a 6546  
permit as provided in this section. Such qualifications shall 6547  
include the possession of a baccalaureate, master's, or doctoral 6548  
degree in, or significant experience related to, the subject the 6549  
individual is to teach. Applications for permits pursuant to 6550  
this section shall be made in accordance with section 3319.29 of 6551  
the Revised Code. 6552

The state board, by rule, shall authorize the board of 6553  
education of each school district and each STEM school to engage 6554  
individuals holding permits issued under this section to teach 6555  
classes for not more than the total number of hours a week 6556  
specified in the permit. The rules shall include provisions with 6557  
regard to each of the following: 6558

(1) That a board of education or STEM school shall engage 6559  
a nonlicensed individual to teach pursuant to this section on a 6560  
volunteer basis, or by entering into a contract with the 6561  
individual or the individual's employer on such terms and 6562  
conditions as are agreed to between the board or school and the 6563  
individual or the individual's employer; 6564

(2) That an employee of the board of education or STEM 6565  
school who is licensed under sections 3319.22 to 3319.30 of the 6566  
Revised Code shall directly supervise a nonlicensed individual 6567  
who is engaged to teach pursuant to this section until the 6568  
superintendent of the school district or the chief 6569  
administrative officer of the STEM school is satisfied that the 6570  
nonlicensed individual has sufficient understanding of, and 6571

experience in, effective teaching methods to teach without 6572  
supervision. 6573

(C) A nonlicensed individual engaged to teach pursuant to 6574  
this section is a teacher for the purposes of Title XXXIII of 6575  
the Revised Code except for the purposes of Chapters 3307. and 6576  
3317. and sections 3319.07 to 3319.31 of the Revised Code. Such 6577  
an individual is not an employee of the board of education or 6578  
STEM school for the purpose of Titles I or XLI or Chapter 3309. 6579  
of the Revised Code. 6580

(D) Students enrolled in a class taught by a nonlicensed 6581  
individual pursuant to this section and rules adopted thereunder 6582  
shall receive the same credit as if the class had been taught by 6583  
an employee licensed pursuant to sections 3319.22 to 3319.30 of 6584  
the Revised Code. 6585

(E) No board of education of any school district shall 6586  
engage any one or more nonlicensed individuals if such 6587  
employment displaces from employment an existing licensed 6588  
employee of the district. 6589

(F) Section 9.79 of the Revised Code does not apply to 6590  
permits issued under this section. 6591

**Sec. 3319.303.** (A) The Except as provided in division (D) 6592  
of this section, the state board of education shall adopt rules 6593  
establishing standards and requirements for obtaining a pupil- 6594  
activity program permit for any individual who does not hold a 6595  
valid educator license, certificate, or permit issued by the 6596  
state board under section 3319.22, 3319.26, or 3319.27 of the 6597  
Revised Code. The permit issued under this section shall be 6598  
valid for coaching, supervising, or directing a pupil-activity 6599  
program under section 3313.53 of the Revised Code. Subject to 6600

the provisions of section 3319.31 of the Revised Code, a permit  
issued under this division shall be valid for three years and  
shall be renewable.

(B) The state board shall adopt rules applicable to  
individuals who hold valid educator licenses, certificates, or  
permits issued by the state board under section 3319.22,  
3319.26, or 3319.27 of the Revised Code setting forth standards  
to assure any such individual's competence to direct, supervise,  
or coach a pupil-activity program described in section 3313.53  
of the Revised Code. The rules adopted under this division shall  
not be more stringent than the standards set forth in rules  
applicable to individuals who do not hold such licenses,  
certificates, or permits adopted under division (A) of this  
section. Subject to the provisions of section 3319.31 of the  
Revised Code, a permit issued to an individual under this  
division shall be valid for the same number of years as the  
individual's educator license, certificate, or permit issued  
under section 3319.22, 3319.26, or 3319.27 of the Revised Code  
and shall be renewable.

~~(C) As a condition to issuing or renewing a pupil-activity  
program permit to coach interscholastic athletics:~~

(1) ~~The~~ Except as provided in division (D) of this  
section, as a condition to issuing a pupil-activity program  
permit to coach interscholastic athletics, the state board shall  
require each individual applying for a first permit on or after  
April 26, 2013, to successfully complete a training program that  
is specifically focused on brain trauma and brain injury  
management.

(2) The state board shall require, as a condition to  
renewing a pupil-activity program permit to coach

interscholastic athletics, each individual applying for a permit 6631  
renewal on or after that date to present evidence that the 6632  
individual has successfully completed, within the previous three 6633  
years, a training program in recognizing the symptoms of 6634  
concussions and head injuries to which the department of health 6635  
has provided a link on its internet web site under section 6636  
3707.52 of the Revised Code or a training program authorized and 6637  
required by an organization that regulates interscholastic 6638  
athletic competition and conducts interscholastic athletic 6639  
events. 6640

(D) The state board shall issue a permit for coaching, 6641  
supervising, or directing a pupil-activity program in accordance 6642  
with section 9.79 of the Revised Code to an applicant if either 6643  
of the following applies: 6644

(1) The applicant holds a license or permit in another 6645  
state. 6646

(2) The applicant has satisfactory work experience, a 6647  
government certification, or a private certification as 6648  
described in that section as a coach, supervisor, or pupil- 6649  
activity program director in a state that does not issue that 6650  
permit. 6651

**Sec. 3319.361.** (A) The Except as provided in division (F) 6652  
of this section, the state board of education shall establish 6653  
rules for the issuance of a supplemental teaching license. This 6654  
license shall be issued at the request of the superintendent of 6655  
a city, local, exempted village, or joint vocational school 6656  
district, educational service center, or the governing authority 6657  
of a STEM school, chartered nonpublic school, or community 6658  
school to an individual who meets all of the following criteria: 6659

(1) Holds a current professional or permanent Ohio 6660  
teaching certificate or resident educator license, professional 6661  
educator license, senior professional educator license, or lead 6662  
professional educator license, as issued under section 3319.22 6663  
or 3319.26 of the Revised Code; 6664

(2) Is of good moral character; 6665

(3) Is employed in a supplemental licensure area or 6666  
teaching field, as defined by the state board; 6667

(4) Completes an examination prescribed by the state board 6668  
in the licensure area; 6669

(5) Completes, while employed under the supplemental 6670  
teaching license and subsequent renewals thereof, additional 6671  
coursework, if applicable, and testing requirements for full 6672  
licensure in the supplemental area as a condition of holding and 6673  
teaching under a supplemental teaching license. 6674

(B) The employing school district, service center, or 6675  
school shall assign a mentor to the individual holding a 6676  
supplemental teaching license. The assigned mentor shall be an 6677  
experienced teacher who currently holds a license in the same, 6678  
or a related, content area as the supplemental license. 6679

(C) Before the department of education will issue an 6680  
individual a supplemental teaching license in another area, the 6681  
supplemental licensee must complete the supplemental licensure 6682  
program, or its equivalent, and be issued a standard teaching 6683  
license in the area of the currently held supplemental license. 6684

(D) An individual may advance from a supplemental teaching 6685  
license to a standard teaching license upon: 6686

(1) Verification from the employing superintendent or 6687

governing authority that the individual holding the supplemental 6688  
teaching license has taught successfully in the licensure area 6689  
for a minimum of two years; and 6690

(2) Completing requirements as applicable to the licensure 6691  
area or teaching field as established by the state board. 6692

(E) A licensee who has filed an application under this 6693  
section may work in the supplemental licensure area for up to 6694  
sixty school days while completing the requirements in division 6695  
(A) (4) of this section. If the requirements are not completed 6696  
within sixty days, the application shall be declined. 6697

(F) The state board shall issue a supplemental teaching 6698  
license in accordance with section 9.79 of the Revised Code to 6699  
an applicant if either of the following applies: 6700

(1) The applicant holds a license in another state. 6701

(2) The applicant has satisfactory work experience, a 6702  
government certification, or a private certification as 6703  
described in that section as an educator providing supplemental 6704  
instruction in a state that does not issue that license. 6705

**Sec. 3327.10.** (A) ~~No~~ Except as provided in division (L) of 6706  
this section, no person shall be employed as driver of a school 6707  
bus or motor van, owned and operated by any school district or 6708  
educational service center or privately owned and operated under 6709  
contract with any school district or service center in this 6710  
state, who has not received a certificate from either the 6711  
educational service center governing board that has entered into 6712  
an agreement with the school district under section 3313.843 or 6713  
3313.845 of the Revised Code or the superintendent of the school 6714  
district, certifying that such person is at least eighteen years 6715  
of age and is of good moral character and is qualified 6716

physically and otherwise for such position. The service center 6717  
governing board or the superintendent, as the case may be, shall 6718  
provide for an annual physical examination that conforms with 6719  
rules adopted by the state board of education of each driver to 6720  
ascertain the driver's physical fitness for such employment. The 6721  
examination shall be performed by one of the following: 6722

(1) A person licensed under Chapter 4731. or 4734. of the 6723  
Revised Code or by another state to practice medicine and 6724  
surgery, osteopathic medicine and surgery, or chiropractic; 6725

(2) A physician assistant; 6726

(3) A certified nurse practitioner; 6727

(4) A clinical nurse specialist; 6728

(5) A certified nurse-midwife; 6729

(6) A medical examiner who is listed on the national 6730  
registry of certified medical examiners established by the 6731  
federal motor carrier safety administration in accordance with 6732  
49 C.F.R. part 390. 6733

Any certificate may be revoked by the authority granting 6734  
the same on proof that the holder has been guilty of failing to 6735  
comply with division (D)(1) of this section, or upon a 6736  
conviction or a guilty plea for a violation, or any other 6737  
action, that results in a loss or suspension of driving rights. 6738  
Failure to comply with such division may be cause for 6739  
disciplinary action or termination of employment under division 6740  
(C) of section 3319.081, or section 124.34 of the Revised Code. 6741

(B) ~~No-Except as provided in division (L) of this section,~~ 6742  
no person shall be employed as driver of a school bus or motor 6743  
van not subject to the rules of the department of education 6744

pursuant to division (A) of this section who has not received a  
certificate from the school administrator or contractor  
certifying that such person is at least eighteen years of age,  
is of good moral character, and is qualified physically and  
otherwise for such position. Each driver shall have an annual  
physical examination which conforms to the state highway patrol  
rules, ascertaining the driver's physical fitness for such  
employment. The examination shall be performed by one of the  
following:

(1) A person licensed under Chapter 4731. or 4734. of the  
Revised Code or by another state to practice medicine and  
surgery, osteopathic medicine and surgery, or chiropractic;

(2) A physician assistant;

(3) A certified nurse practitioner;

(4) A clinical nurse specialist;

(5) A certified nurse-midwife;

(6) A medical examiner who is listed on the national  
registry of certified medical examiners established by the  
federal motor carrier safety administration in accordance with  
49 C.F.R. part 390.

Any written documentation of the physical examination  
shall be completed by the individual who performed the  
examination.

Any certificate may be revoked by the authority granting  
the same on proof that the holder has been guilty of failing to  
comply with division (D) (2) of this section.

(C) Any person who drives a school bus or motor van must  
give satisfactory and sufficient bond except a driver who is an



employee of a school district and who drives a bus or motor van 6773  
owned by the school district. 6774

(D) No person employed as driver of a school bus or motor 6775  
van under this section who is convicted of a traffic violation 6776  
or who has had the person's commercial driver's license 6777  
suspended shall drive a school bus or motor van until the person 6778  
has filed a written notice of the conviction or suspension, as 6779  
follows: 6780

(1) If the person is employed under division (A) of this 6781  
section, the person shall file the notice with the 6782  
superintendent, or a person designated by the superintendent, of 6783  
the school district for which the person drives a school bus or 6784  
motor van as an employee or drives a privately owned and 6785  
operated school bus or motor van under contract. 6786

(2) If employed under division (B) of this section, the 6787  
person shall file the notice with the employing school 6788  
administrator or contractor, or a person designated by the 6789  
administrator or contractor. 6790

(E) In addition to resulting in possible revocation of a 6791  
certificate as authorized by divisions (A) and (B) of this 6792  
section, violation of division (D) of this section is a minor 6793  
misdemeanor. 6794

(F) (1) Not later than thirty days after June 30, 2007, 6795  
each owner of a school bus or motor van shall obtain the 6796  
complete driving record for each person who is currently 6797  
employed or otherwise authorized to drive the school bus or 6798  
motor van. An owner of a school bus or motor van shall not 6799  
permit a person to operate the school bus or motor van for the 6800  
first time before the owner has obtained the person's complete 6801

driving record. Thereafter, the owner of a school bus or motor 6802  
van shall obtain the person's driving record not less frequently 6803  
than semiannually if the person remains employed or otherwise 6804  
authorized to drive the school bus or motor van. An owner of a 6805  
school bus or motor van shall not permit a person to resume 6806  
operating a school bus or motor van, after an interruption of 6807  
one year or longer, before the owner has obtained the person's 6808  
complete driving record. 6809

(2) The owner of a school bus or motor van shall not 6810  
permit a person to operate the school bus or motor van for ten 6811  
years after the date on which the person pleads guilty to or is 6812  
convicted of a violation of section 4511.19 of the Revised Code 6813  
or a substantially equivalent municipal ordinance. 6814

(3) An owner of a school bus or motor van shall not permit 6815  
any person to operate such a vehicle unless the person meets all 6816  
other requirements contained in rules adopted by the state board 6817  
of education prescribing qualifications of drivers of school 6818  
buses and other student transportation. 6819

(G) No superintendent of a school district, educational 6820  
service center, community school, or public or private employer 6821  
shall permit the operation of a vehicle used for pupil 6822  
transportation within this state by an individual unless both of 6823  
the following apply: 6824

(1) Information pertaining to that driver has been 6825  
submitted to the department of education, pursuant to procedures 6826  
adopted by that department. Information to be reported shall 6827  
include the name of the employer or school district, name of the 6828  
driver, driver license number, date of birth, date of hire, 6829  
status of physical evaluation, and status of training. 6830

(2) The most recent criminal records check required by 6831  
division (J) of this section has been completed and received by 6832  
the superintendent or public or private employer. 6833

(H) A person, school district, educational service center, 6834  
community school, nonpublic school, or other public or nonpublic 6835  
entity that owns a school bus or motor van, or that contracts 6836  
with another entity to operate a school bus or motor van, may 6837  
impose more stringent restrictions on drivers than those 6838  
prescribed in this section, in any other section of the Revised 6839  
Code, and in rules adopted by the state board. 6840

(I) For qualified drivers who, on July 1, 2007, are 6841  
employed by the owner of a school bus or motor van to drive the 6842  
school bus or motor van, any instance in which the driver was 6843  
convicted of or pleaded guilty to a violation of section 4511.19 6844  
of the Revised Code or a substantially equivalent municipal 6845  
ordinance prior to two years prior to July 1, 2007, shall not be 6846  
considered a disqualifying event with respect to division (F) of 6847  
this section. 6848

(J) (1) This division applies to persons hired by a school 6849  
district, educational service center, community school, 6850  
chartered nonpublic school, or science, technology, engineering, 6851  
and mathematics school established under Chapter 3326. of the 6852  
Revised Code to operate a vehicle used for pupil transportation. 6853

For each person to whom this division applies who is hired 6854  
on or after November 14, 2007, the employer shall request a 6855  
criminal records check in accordance with section 3319.39 of the 6856  
Revised Code and every six years thereafter. For each person to 6857  
whom this division applies who is hired prior to that date, the 6858  
employer shall request a criminal records check by a date 6859  
prescribed by the department of education and every six years 6860

thereafter. 6861

(2) This division applies to persons hired by a public or 6862  
private employer not described in division (J) (1) of this 6863  
section to operate a vehicle used for pupil transportation. 6864

For each person to whom this division applies who is hired 6865  
on or after November 14, 2007, the employer shall request a 6866  
criminal records check prior to the person's hiring and every 6867  
six years thereafter. For each person to whom this division 6868  
applies who is hired prior to that date, the employer shall 6869  
request a criminal records check by a date prescribed by the 6870  
department and every six years thereafter. 6871

(3) Each request for a criminal records check under 6872  
division (J) of this section shall be made to the superintendent 6873  
of the bureau of criminal identification and investigation in 6874  
the manner prescribed in section 3319.39 of the Revised Code, 6875  
except that if both of the following conditions apply to the 6876  
person subject to the records check, the employer shall request 6877  
the superintendent only to obtain any criminal records that the 6878  
federal bureau of investigation has on the person: 6879

(a) The employer previously requested the superintendent 6880  
to determine whether the bureau of criminal identification and 6881  
investigation has any information, gathered pursuant to division 6882  
(A) of section 109.57 of the Revised Code, on the person in 6883  
conjunction with a criminal records check requested under 6884  
section 3319.39 of the Revised Code or under division (J) of 6885  
this section. 6886

(b) The person presents proof that the person has been a 6887  
resident of this state for the five-year period immediately 6888  
prior to the date upon which the person becomes subject to a 6889

criminal records check under this section. 6890

Upon receipt of a request, the superintendent shall 6891  
conduct the criminal records check in accordance with section 6892  
109.572 of the Revised Code as if the request had been made 6893  
under section 3319.39 of the Revised Code. However, as specified 6894  
in division (B) (2) of section 109.572 of the Revised Code, if 6895  
the employer requests the superintendent only to obtain any 6896  
criminal records that the federal bureau of investigation has on 6897  
the person for whom the request is made, the superintendent 6898  
shall not conduct the review prescribed by division (B) (1) of 6899  
that section. 6900

(K) (1) Until the effective date of the amendments to rule 6901  
3301-83-23 of the Ohio Administrative Code required by the 6902  
second paragraph of division (E) of section 3319.39 of the 6903  
Revised Code, any person who is the subject of a criminal 6904  
records check under division (J) of this section and has been 6905  
convicted of or pleaded guilty to any offense described in 6906  
division (B) (1) of section 3319.39 of the Revised Code shall not 6907  
be hired or shall be released from employment, as applicable, 6908  
unless the person meets the rehabilitation standards prescribed 6909  
for nonlicensed school personnel by rule 3301-20-03 of the Ohio 6910  
Administrative Code. 6911

(2) Beginning on the effective date of the amendments to 6912  
rule 3301-83-23 of the Ohio Administrative Code required by the 6913  
second paragraph of division (E) of section 3319.39 of the 6914  
Revised Code, any person who is the subject of a criminal 6915  
records check under division (J) of this section and has been 6916  
convicted of or pleaded guilty to any offense that, under the 6917  
rule, disqualifies a person for employment to operate a vehicle 6918  
used for pupil transportation shall not be hired or shall be 6919

released from employment, as applicable, unless the person meets 6920  
the rehabilitation standards prescribed by the rule. 6921

(L) The superintendent of a school district or an 6922  
educational service center governing board shall issue a 6923  
certificate as a driver of a school bus or motor van or a 6924  
certificate to operate a vehicle used for pupil transportation 6925  
in accordance with section 9.79 of the Revised Code to an 6926  
applicant if either of the following applies: 6927

(1) The applicant holds a certificate in another state. 6928

(2) The applicant has satisfactory work experience, a 6929  
government certification, or a private certification as 6930  
described in that section as a school bus or motor van driver or 6931  
a pupil transportation vehicle operator in a state that does not 6932  
issue one or both of those certificates. 6933

**Sec. 3703.01.** (A) Except as otherwise provided in this 6934  
section, the division of industrial compliance in the department 6935  
of commerce shall do all of the following: 6936

(1) Inspect all nonresidential buildings within the 6937  
meaning of section 3781.06 of the Revised Code; 6938

(2) Condemn all unsanitary or defective plumbing that is 6939  
found in connection with those places; 6940

(3) Order changes in plumbing necessary to insure the 6941  
safety of the public health. 6942

(B) (1) (a) The division of industrial compliance, boards of 6943  
health of city and general health districts, and county building 6944  
departments shall not inspect plumbing or collect fees for 6945  
inspecting plumbing in particular types of buildings in any 6946  
municipal corporation that is certified by the board of building 6947

standards under section 3781.10 of the Revised Code to exercise 6948  
enforcement authority for plumbing in those types of buildings. 6949

(b) The division shall not inspect plumbing or collect 6950  
fees for inspecting plumbing in particular types of buildings in 6951  
any health district that employs one or more plumbing inspectors 6952  
certified pursuant to division (D) of this section to enforce 6953  
Chapters 3781. and 3791. of the Revised Code and the rules 6954  
adopted pursuant to those chapters relating to plumbing in those 6955  
types of buildings. 6956

(c) The division shall not inspect plumbing or collect 6957  
fees for inspecting plumbing in particular types of buildings in 6958  
any health district where the county building department is 6959  
authorized to inspect those types of buildings pursuant to a 6960  
contract described in division (C)(1) of this section. 6961

(d) The division shall not inspect plumbing or collect 6962  
fees for inspecting plumbing in particular types of buildings in 6963  
any health district where the board of health has entered into a 6964  
contract with the board of health of another district to conduct 6965  
inspections pursuant to division (C)(2) of this section. 6966

(2) No county building department shall inspect plumbing 6967  
or collect fees for inspecting plumbing in any type of building 6968  
in a health district unless the department is authorized to 6969  
inspect that type of building pursuant to a contract described 6970  
in division (C)(1) of this section. 6971

(3) No municipal corporation shall inspect plumbing or 6972  
collect fees for inspecting plumbing in types of buildings for 6973  
which it is not certified by the board of building standards 6974  
under section 3781.10 of the Revised Code to exercise 6975  
enforcement authority. 6976

(4) No board of health of a health district shall inspect plumbing or collect fees for inspecting plumbing in types of buildings for which it does not have a plumbing inspector certified pursuant to division (D) of this section.

(C) (1) The board of health of a health district may enter into a contract with a board of county commissioners to authorize the county building department to inspect plumbing in buildings within the health district. The contract may designate that the department inspect either residential or nonresidential buildings, as those terms are defined in section 3781.06 of the Revised Code, or both types of buildings, so long as the department employs or contracts with a plumbing inspector certified pursuant to division (D) of this section to inspect the types of buildings the contract designates. The board of health may enter into a contract regardless of whether the health district employs any certified plumbing inspectors to enforce Chapters 3781. and 3791. of the Revised Code.

(2) The board of health of a health district, regardless of whether it employs any certified plumbing inspectors to enforce Chapters 3781. and 3791. of the Revised Code, may enter into a contract with the board of health of another health district to authorize that board to inspect plumbing in buildings within the contracting board's district. The contract may designate the inspection of either residential or nonresidential buildings as defined in section 3781.06 of the Revised Code, or both types of buildings, so long as the board that performs the inspections employs a plumbing inspector certified pursuant to division (D) of this section to inspect the types of buildings the contract designates.

(D) The superintendent of industrial compliance shall



adopt rules prescribing minimum qualifications based on 7007  
education, training, experience, or demonstrated ability, that 7008  
the superintendent shall use in certifying or recertifying 7009  
plumbing inspectors to do plumbing inspections for health 7010  
districts and county building departments that are authorized to 7011  
perform inspections pursuant to a contract under division (C) (1) 7012  
of this section, and for continuing education of plumbing 7013  
inspectors. Those minimum qualifications shall be related to the 7014  
types of buildings for which a person seeks certification. 7015

(E) (1) The superintendent may enter into reciprocal 7016  
registration, licensure, or certification agreements with ~~other~~ 7017  
~~states and~~ other agencies of this state relative to plumbing 7018  
inspectors if both of the following apply: 7019

~~(1)~~ (a) The requirements for registration, licensure, or 7020  
certification of plumbing inspectors under the ~~laws of the other~~ 7021  
~~state or~~ laws administered by the other agency are substantially 7022  
equal to the requirements the superintendent adopts under 7023  
division (D) of this section for certifying plumbing inspectors. 7024

~~(2)~~ (b) The other ~~state or~~ agency extends similar 7025  
reciprocity to persons certified under this chapter. 7026

(2) The superintendent shall certify a plumbing inspector 7027  
in accordance with section 9.79 of the Revised Code if either of 7028  
the following applies: 7029

(a) The applicant holds a license or certification in 7030  
another state. 7031

(b) The applicant has satisfactory work experience, a 7032  
government certification, or a private certification as 7033  
described in that section as a plumbing inspector in a state 7034  
that does not issue that certification. 7035

(F) The superintendent may select and contract with one or 7036  
more persons to do all of the following regarding examinations 7037  
for certification of plumbing inspectors: 7038

(1) Prepare, administer, score, and maintain the 7039  
confidentiality of the examination; 7040

(2) Maintain responsibility for all expenses required to 7041  
comply with division (F)(1) of this section; 7042

(3) Charge each applicant a fee for administering the 7043  
examination in an amount the superintendent authorizes; 7044

(4) Design the examination for certification of plumbing 7045  
inspectors to determine an applicant's competence to inspect 7046  
plumbing. 7047

(G) Standards and methods prescribed in local plumbing 7048  
regulations shall not be less than those prescribed in Chapters 7049  
3781. and 3791. of the Revised Code and the rules adopted 7050  
pursuant to those chapters. 7051

(H) Notwithstanding any other provision of this section, 7052  
the division shall make a plumbing inspection of any building or 7053  
other place that there is reason to believe is in a condition to 7054  
be a menace to the public health. 7055

**Sec. 3703.21.** (A) Within ninety days after September 16, 7056  
2004, the superintendent of industrial compliance shall appoint 7057  
a backflow advisory board consisting of not more than ten 7058  
members, who shall serve at the pleasure of the superintendent. 7059  
The superintendent shall appoint a representative from the 7060  
plumbing section of the division of industrial compliance, three 7061  
representatives recommended by the plumbing administrator of the 7062  
division of industrial compliance, a representative of the 7063  
drinking water program of the Ohio environmental protection 7064

agency, three representatives recommended by the director of 7065  
environmental protection, and not more than two members who are 7066  
not employed by the plumbing or water industry. 7067

The board shall advise the superintendent on matters 7068  
pertaining to the training and certification of backflow 7069  
technicians. 7070

(B) The superintendent shall adopt rules in accordance 7071  
with Chapter 119. of the Revised Code to provide for the 7072  
certification of backflow technicians. The rules shall establish 7073  
all of the following requirements, specifications, and 7074  
procedures: 7075

(1) Requirements and procedures for the initial 7076  
certification of backflow technicians, including eligibility 7077  
criteria and application requirements and fees; 7078

(2) Specifications concerning and procedures for taking 7079  
examinations required for certification as a backflow 7080  
technician, including eligibility criteria to take the 7081  
examination and application requirements and fees for taking the 7082  
examination; 7083

(3) Specifications concerning and procedures for renewing 7084  
a certification as a backflow technician, including eligibility 7085  
criteria, application requirements, and fees for renewal; 7086

(4) Specifications concerning and procedures for both of 7087  
the following: 7088

(a) Approval of training agencies authorized to teach 7089  
required courses to candidates for certification as backflow 7090  
technicians or continuing education courses to certified 7091  
backflow technicians; 7092

(b) Renewal of the approval described in division (B) (4) 7093  
(a) of this section. 7094

(5) Education requirements that candidates for initial 7095  
certification as backflow technicians must satisfy and 7096  
continuing education requirements that certified backflow 7097  
technicians must satisfy; 7098

(6) Grounds and procedures for denying, suspending, or 7099  
revoking certification, or denying the renewal of certification, 7100  
as a backflow technician; 7101

(7) Procedures for issuing administrative orders for the 7102  
remedy of any violation of this section or any rule adopted 7103  
pursuant to division (B) of this section, including, but not 7104  
limited to, procedures for assessing a civil penalty authorized 7105  
under division ~~(D)~~ (E) of this section; 7106

(8) Any provision the superintendent determines is 7107  
necessary to administer or enforce this section. 7108

(C) The superintendent shall certify a backflow technician 7109  
in accordance with section 9.79 of the Revised Code if either of 7110  
the following applies: 7111

(1) The individual holds a license or certification in 7112  
another state. 7113

(2) The individual has satisfactory work experience, a 7114  
government certification, or a private certification as 7115  
described in that section as a backflow technician in a state 7116  
that does not issue that certification. 7117

(D) No individual shall engage in the installation, 7118  
testing, or repair of any isolation backflow prevention device 7119  
unless that individual possesses a valid certification as a 7120

backflow technician. This division does not apply with respect 7121  
to the installation, testing, or repair of any containment 7122  
backflow prevention device. 7123

~~(D)~~ (E) Whoever violates division ~~(C)~~ (D) of this section 7124  
or any rule adopted pursuant to division (B) of this section 7125  
shall pay a civil penalty of not more than five thousand dollars 7126  
for each day that the violation continues. The superintendent 7127  
may, by order, assess a civil penalty under this division, or 7128  
may request the attorney general to bring a civil action to 7129  
impose the civil penalty in the court of common pleas of the 7130  
county in which the violation occurred or where the violator 7131  
resides. 7132

~~(E)~~ (F) Any action taken under a rule adopted pursuant to 7133  
division (B) (6) of this section is subject to the appeal process 7134  
of Chapter 119. of the Revised Code. An administrative order 7135  
issued pursuant to rules adopted under division (B) (7) of this 7136  
section and an appeal to that type of administrative order shall 7137  
be executed in accordance with Chapter 119. of the Revised Code. 7138

~~(F)~~ (G) As used in this section: 7139

(1) "Isolation backflow prevention device" means a device 7140  
for the prevention of the backflow of liquids, solids, or gases 7141  
that is regulated by the building code adopted pursuant to 7142  
section 3781.10 of the Revised Code and rules adopted pursuant 7143  
to this section. 7144

(2) "Containment backflow prevention device" means a 7145  
device for the prevention of the backflow of liquids, solids, or 7146  
gases that is installed by the supplier of, or as a requirement 7147  
of, any public water system as defined in division (A) of 7148  
section 6109.01 of the Revised Code. 7149

**Sec. 3704.14.** (A) (1) If the director of environmental 7150  
protection determines that implementation of a motor vehicle 7151  
inspection and maintenance program is necessary for the state to 7152  
effectively comply with the federal Clean Air Act after June 30, 7153  
2019, the director may provide for the implementation of the 7154  
program in those counties in this state in which such a program 7155  
is federally mandated. Upon making such a determination, the 7156  
director of environmental protection may request the director of 7157  
administrative services to extend the terms of the contract that 7158  
was entered into under the authority of Am. Sub. H.B. 64 of the 7159  
131st general assembly. Upon receiving the request, the director 7160  
of administrative services shall extend the contract, beginning 7161  
on July 1, 2019, in accordance with this section. The contract 7162  
shall be extended for a period of up to twenty-four months with 7163  
the contractor who conducted the motor vehicle inspection and 7164  
maintenance program under that contract. 7165

(2) Prior to the expiration of the contract extension that 7166  
is authorized by division (A) (1) of this section, the director 7167  
of environmental protection shall request the director of 7168  
administrative services to enter into a contract with a vendor 7169  
to operate a decentralized motor vehicle inspection and 7170  
maintenance program in each county in this state in which such a 7171  
program is federally mandated through June 30, 2023, with an 7172  
option for the state to renew the contract for a period of up to 7173  
twenty-four months through June 30, 2025. The contract shall 7174  
ensure that the decentralized motor vehicle inspection and 7175  
maintenance program achieves at least the same emission 7176  
reductions as achieved by the program operated under the 7177  
authority of the contract that was extended under division (A) 7178  
(1) of this section. The director of administrative services 7179  
shall select a vendor through a competitive selection process in 7180

compliance with Chapter 125. of the Revised Code. 7181

(3) Notwithstanding any law to the contrary, the director 7182  
of administrative services shall ensure that a competitive 7183  
selection process regarding a contract to operate a 7184  
decentralized motor vehicle inspection and maintenance program 7185  
in this state incorporates the following, which shall be 7186  
included in the contract: 7187

(a) For purposes of expanding the number of testing 7188  
locations for consumer convenience, a requirement that the 7189  
vendor utilize established local businesses, auto repair 7190  
facilities, or leased properties to operate state-approved 7191  
inspection and maintenance testing facilities; 7192

(b) A requirement that the vendor selected to operate the 7193  
program provide notification of the program's requirements to 7194  
each owner of a motor vehicle that is required to be inspected 7195  
under the program. The contract shall require the notification 7196  
to be provided not later than sixty days prior to the date by 7197  
which the owner of the motor vehicle is required to have the 7198  
motor vehicle inspected. The director of environmental 7199  
protection and the vendor shall jointly agree on the content of 7200  
the notice. However, the notice shall include at a minimum the 7201  
locations of all inspection facilities within a specified 7202  
distance of the address that is listed on the owner's motor 7203  
vehicle registration; 7204

(c) A requirement that the vendor comply with testing 7205  
methodology and supply the required equipment approved by the 7206  
director of environmental protection as specified in the 7207  
competitive selection process in compliance with Chapter 125. of 7208  
the Revised Code. 7209

(4) A decentralized motor vehicle inspection and 7210  
maintenance program operated under this section shall comply 7211  
with division (B) of this section. The director of environmental 7212  
protection shall administer the decentralized motor vehicle 7213  
inspection and maintenance program operated under this section. 7214

(B) The decentralized motor vehicle inspection and 7215  
maintenance program authorized by this section, at a minimum, 7216  
shall do all of the following: 7217

(1) Comply with the federal Clean Air Act; 7218

(2) Provide for the issuance of inspection certificates; 7219

(3) Provide for a new car exemption for motor vehicles 7220  
four years old or newer and provide that a new motor vehicle is 7221  
exempt for four years regardless of whether legal title to the 7222  
motor vehicle is transferred during that period. 7223

(C) (1) The director of environmental protection shall 7224  
adopt rules in accordance with Chapter 119. of the Revised Code 7225  
that the director determines are necessary to implement this 7226  
section. The director may continue to implement and enforce 7227  
rules pertaining to the motor vehicle inspection and maintenance 7228  
program previously implemented under former section 3704.14 of 7229  
the Revised Code as that section existed prior to its repeal and 7230  
reenactment by Am. Sub. H.B. 66 of the 126th general assembly, 7231  
provided that the rules do not conflict with this section. 7232

(2) The director of environmental protection shall issue 7233  
an inspection certificate provided for under division (B)(2) of 7234  
this section in accordance with section 9.79 of the Revised Code 7235  
to an applicant if either of the following applies: 7236

(a) The individual holds a certificate or license in 7237  
another state. 7238



(b) The individual has satisfactory work experience, a 7239  
government certification, or a private certification as 7240  
described in that section as a vehicle inspector in a state that 7241  
does not issue that certificate. 7242

(D) There is hereby created in the state treasury the auto 7243  
emissions test fund, which shall consist of money received by 7244  
the director from any cash transfers, state and local grants, 7245  
and other contributions that are received for the purpose of 7246  
funding the program established under this section. The director 7247  
of environmental protection shall use money in the fund solely 7248  
for the implementation, supervision, administration, operation, 7249  
and enforcement of the motor vehicle inspection and maintenance 7250  
program established under this section. Money in the fund shall 7251  
not be used for either of the following: 7252

(1) To pay for the inspection costs incurred by a motor 7253  
vehicle dealer so that the dealer may provide inspection 7254  
certificates to an individual purchasing a motor vehicle from 7255  
the dealer when that individual resides in a county that is 7256  
subject to the motor vehicle inspection and maintenance program; 7257

(2) To provide payment for more than one free passing 7258  
emissions inspection or a total of three emissions inspections 7259  
for a motor vehicle in any three-hundred-sixty-five-day period. 7260  
The owner or lessee of a motor vehicle is responsible for 7261  
inspection fees that are related to emissions inspections beyond 7262  
one free passing emissions inspection or three total emissions 7263  
inspections in any three-hundred-sixty-five-day period. 7264  
Inspection fees that are charged by a contractor conducting 7265  
emissions inspections under a motor vehicle inspection and 7266  
maintenance program shall be approved by the director of 7267  
environmental protection. 7268

(E) The motor vehicle inspection and maintenance program 7269  
established under this section expires upon the termination of 7270  
all contracts entered into under this section and shall not be 7271  
implemented beyond the final date on which termination occurs. 7272

**Sec. 3713.05.** (A) Applications to register to import, 7273  
manufacture, renovate, wholesale, make, or reupholster stuffed 7274  
toys or bedding in this state shall be made in writing on forms 7275  
provided by the superintendent of industrial compliance. The 7276  
application shall be accompanied by a registration fee of fifty 7277  
dollars per person unless the applicant engages only in 7278  
renovation, in which case the registration fee shall be thirty- 7279  
five dollars. 7280

~~(B)~~ Upon receipt of the application and the appropriate 7281  
fee, the superintendent shall register the applicant and assign 7282  
a registration number to the registrant. 7283

(B) The superintendent shall register an applicant in 7284  
accordance with section 9.79 of the Revised Code if either of 7285  
the following applies: 7286

(1) The applicant is licensed or registered to import, 7287  
manufacture, renovate, wholesale, make, or reupholster stuffed 7288  
toys or bedding in another state. 7289

(2) The applicant has satisfactory work experience, a 7290  
government certification, or a private certification as 7291  
described in that section with or for importing, manufacturing, 7292  
renovating, wholesaling, making, or reupholstering stuffed toys 7293  
or bedding in a state that does not issue that registration. 7294

(C) Notwithstanding section 3713.02 of the Revised Code 7295  
and division (A) of this section, the following are exempt from 7296  
registration: 7297

(1) An organization described in section 501(c)(3) of the "Internal Revenue Code of 1986," and exempt from income tax under section 501(a) of that code and that is operated exclusively to provide recreation or social services;

(2) A person who is not regularly engaged in the business of manufacturing, making, wholesaling, or importing stuffed toys but who manufactures or makes stuffed toys as a leisure pursuit and who sells one hundred or fewer stuffed toys within one calendar year;

(3) A person who is not regularly engaged in the business of manufacturing, making, wholesaling, or importing quilts, comforters, pillows, or cushions, but who manufactures or makes these items as a leisure pursuit and who sells five or fewer quilts, ten or fewer comforters, or twenty or fewer pillows or cushions within one calendar year.

(D) Notwithstanding division (C)(2) or (3) of this section, a person exempt under that division must attach a label to each stuffed toy that contains all of the following information:

(1) The person's name and address;

(2) A statement that the person is not registered by the state of Ohio;

(3) A statement that the contents of the product have not been inspected.

**Sec. 3717.09.** (A) In accordance with rules adopted under section 3717.51 of the Revised Code, the director of health shall approve courses of study for certification in food protection as it pertains to retail food establishments and as it pertains to food service operations. ~~The~~ Except as provided

for in division (B), the director shall certify individuals in 7327  
food protection who successfully complete a course of study 7328  
approved under this section and meet all other certification 7329  
requirements specified in rules adopted under section 3717.51 of 7330  
the Revised Code. 7331

(B) The director shall issue a certification in food 7332  
protection in accordance with section 9.79 of the Revised Code 7333  
to an applicant if either of the following applies: 7334

(1) The applicant holds a license or certification in 7335  
another state. 7336

(2) The applicant has satisfactory work experience, a 7337  
government certification, or a private certification as 7338  
described in that section working in food protection in a state 7339  
that does not issue that certification. 7340

**Sec. 3723.03.** Pursuant to division (B) of section 3723.02 7341  
of the Revised Code, an individual, business entity, or 7342  
government entity that holds a valid license issued by another 7343  
state authorizing practice as a radon tester, mitigation 7344  
specialist, or mitigation contractor under the laws of that 7345  
state may practice in this state without a license issued under 7346  
this chapter for not more than ninety days in any calendar year 7347  
as a radon tester, mitigation specialist, or mitigation 7348  
contractor, if the director of health finds that the 7349  
requirements for licensure in that state are comparable to the 7350  
requirements for licensure under this chapter and the rules 7351  
adopted under it and the individual, business entity, or 7352  
government entity provides notice to the director of health, in 7353  
accordance with rules adopted under section 3723.09 of the 7354  
Revised Code, prior to commencing practice in this state.\_ 7355  
Section 9.79 of the Revised Code does not apply to an individual 7356

authorized to practice under this section.

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**Sec. 3723.06.** (A) The director of health shall license  
radon testers, mitigation specialists, and mitigation  
contractors. Each applicant for a license shall submit a  
completed application to the director on a form the director  
shall prescribe and furnish.

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(B) ~~In~~ Except as provided in division (F) of this section  
and in accordance with rules adopted under section 3723.09 of  
the Revised Code, the director shall issue the appropriate  
license to each applicant that pays the license fee prescribed  
by the director, meets the licensing criteria established by the  
director, and complies with any other licensing and training  
requirements established by the director. An individual,  
business entity, or government entity may hold more than one  
license issued under this section, but a separate application is  
required for each license.

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(C) Notwithstanding division (B) of this section and  
except as provided in division (F) of this section, the director  
shall issue a radon mitigation contractor license on request to  
the holder of a radon mitigation specialist license if the  
license holder is the owner or chief stockholder of a business  
entity for which the license holder is the only individual who  
will work as a radon mitigation specialist. The licensing  
criteria and any other licensing and training requirements the  
individual was required to meet to qualify for the radon  
mitigation specialist license are hereby deemed to satisfy any  
and all criteria and requirements for a radon mitigation  
contractor license. A license issued under this division shall  
expire at the same time as the individual's radon mitigation  
specialist license. No license fee shall be imposed for a

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license issued under this division. 7387

(D) A license issued under this section expires biennially 7388  
and may be renewed by the director in accordance with criteria 7389  
and procedures established in rules adopted under section 7390  
3723.09 of the Revised Code and on payment of the license 7391  
renewal fee prescribed in those rules. 7392

(E) In accordance with Chapter 119. of the Revised Code, 7393  
the director may do either of the following: 7394

(1) Refuse to issue a license to an individual, business 7395  
entity, or government entity that does not meet the requirements 7396  
of this chapter or the rules adopted under it or has been in 7397  
violation of those requirements; 7398

(2) Suspend, revoke, or refuse to renew the license of an 7399  
individual, business entity, or government entity that is or has 7400  
been in violation of the requirements of this chapter or the 7401  
rules adopted under it. 7402

(F) The director shall issue a radon tester, mitigation 7403  
specialist, or mitigation contractor license in accordance with 7404  
section 9.79 of the Revised Code to an applicant if either of 7405  
the following applies: 7406

(1) The applicant holds a license in another state. 7407

(2) The applicant has satisfactory work experience, a 7408  
government certification, or a private certification as 7409  
described in that section as a radon tester, mitigation 7410  
specialist, or mitigation contractor in a state that does not 7411  
issue one or more of those licenses. 7412

**Sec. 3737.83.** The state fire marshal shall, as part of the 7413  
state fire code, adopt rules to: 7414

(A) Establish minimum standards of performance for fire 7415  
protection equipment and fire fighting equipment; 7416

(B) Establish minimum standards of training, fix minimum 7417  
qualifications, and require certificates for all persons who 7418  
engage in the business for profit of installing, testing, 7419  
repairing, or maintaining fire protection equipment; 7420

(C) Provide for the issuance of certificates required 7421  
under division (B) of this section and establish the fees to be 7422  
charged for such certificates. A certificate shall be granted, 7423  
renewed, or revoked according to rules the state fire marshal 7424  
shall adopt, except that the state fire marshal shall grant a 7425  
certificate in accordance with section 9.79 of the Revised Code 7426  
to an applicant if either of the following applies: 7427

(1) The applicant holds a license or certificate in 7428  
another state. 7429

(2) The applicant has satisfactory work experience, a 7430  
government certification, or a private certification as 7431  
described in that section as a person engaged in the business of 7432  
installing, testing, repairing, or maintaining fire protection 7433  
equipment in a state that does not issue that certificate. 7434

(D) Establish minimum standards of flammability for 7435  
consumer goods in any case where the federal government or any 7436  
department or agency thereof has established, or may from time 7437  
to time establish standards of flammability for consumer goods. 7438  
The standards established by the state fire marshal shall be 7439  
identical to the minimum federal standards. 7440

In any case where the federal government or any department 7441  
or agency thereof, establishes standards of flammability for 7442  
consumer goods subsequent to the adoption of a flammability 7443

standard by the state fire marshal, standards previously adopted 7444  
by the state fire marshal shall not continue in effect to the 7445  
extent such standards are not identical to the minimum federal 7446  
standards. 7447

With respect to the adoption of minimum standards of 7448  
flammability, this division shall supersede any authority 7449  
granted a political subdivision by any other section of the 7450  
Revised Code. 7451

(E) Establish minimum standards pursuant to section 7452  
5104.05 of the Revised Code for fire prevention and fire safety 7453  
in child day-care centers and in type A family day-care homes, 7454  
as defined in section 5104.01 of the Revised Code. 7455

(F) Establish minimum standards for fire prevention and 7456  
safety in a residential facility licensed under section 5119.34 7457  
of the Revised Code that provides accommodations, supervision, 7458  
and personal care services for three to sixteen unrelated 7459  
adults. The state fire marshal shall adopt the rules under this 7460  
division in consultation with the director of mental health and 7461  
addiction services and interested parties designated by the 7462  
director of mental health and addiction services. 7463

**Sec. 3737.881.** (A) The state fire marshal shall certify 7464  
underground storage tank systems installers who meet the 7465  
standards for certification established in rules adopted under 7466  
division (D)(1) of this section, pass the certification 7467  
examination required by this division, and pay the certificate 7468  
fee established in rules adopted under division (D)(5) of this 7469  
section. Any individual who wishes to obtain certification as an 7470  
installer shall apply to the state fire marshal on a form 7471  
prescribed by the state fire marshal. The application shall be 7472  
accompanied by the application and examination fees established 7473



in rules adopted under division (D) (5) of this section. 7474

The state fire marshal shall prescribe an examination 7475  
designed to test the knowledge of applicants for certification 7476  
as underground storage tank system installers in the 7477  
installation, repair, abandonment, and removal of those systems. 7478  
The examination shall also test the applicants' knowledge and 7479  
understanding of the requirements and standards established in 7480  
rules adopted under sections 3737.88 and 3737.882 of the Revised 7481  
Code pertaining to the installation, repair, abandonment, and 7482  
removal of those systems. 7483

Installer certifications issued under this division shall 7484  
be renewed annually, upon submission of a certification renewal 7485  
form prescribed by the state fire marshal, provision of proof of 7486  
successful completion of continuing education requirements, and 7487  
payment of the certification renewal fee established in rules 7488  
adopted under division (D) (5) of this section. In addition, the 7489  
fire marshal may from time to time prescribe an examination for 7490  
certification renewal and may require applicants to pass the 7491  
examination and pay the fee established for it in rules adopted 7492  
under division (D) (5) of this section. 7493

The state fire marshal may, in accordance with Chapter 7494  
119. of the Revised Code, deny, suspend, revoke, or refuse to 7495  
renew an installer's certification or renewal thereof after 7496  
finding that any of the following applies: 7497

(1) The applicant for certification or certificate holder 7498  
fails to meet the standards for certification or renewal thereof 7499  
under this section and rules adopted under it; 7500

(2) The certification was obtained through fraud or 7501  
misrepresentation; 7502

(3) The certificate holder recklessly caused or permitted 7503  
a person under the certificate holder's supervision to install, 7504  
perform major repairs on site to, abandon, or remove an 7505  
underground storage tank system in violation of the performance 7506  
standards set forth in rules adopted under section 3737.88 or 7507  
3737.882 of the Revised Code. 7508

As used in division (A) (3) of this section, "recklessly" 7509  
has the same meaning as in section 2901.22 of the Revised Code. 7510

(B) The state fire marshal shall certify persons who 7511  
sponsor training programs for underground storage tank system 7512  
installers who meet the criteria for certification established 7513  
in rules adopted by the state fire marshal under division (D) (4) 7514  
of this section and pay the certificate fee established in rules 7515  
adopted under division (D) (5) of this section. Any person who 7516  
wishes to obtain certification to sponsor such a training 7517  
program shall apply to the state fire marshal on a form 7518  
prescribed by the state fire marshal. Training program 7519  
certificates issued under this division shall expire annually. 7520  
Upon submission of a certification renewal application form 7521  
prescribed by the state fire marshal and payment of the 7522  
application and certification renewal fees established in rules 7523  
adopted under division (D) (5) of this section, the state fire 7524  
marshal shall issue a training program renewal certificate to 7525  
the applicant. 7526

The state fire marshal may, in accordance with Chapter 7527  
119. of the Revised Code, deny an application for, suspend, or 7528  
revoke a training program certificate or renewal or renewal of a 7529  
training program certificate after finding that the training 7530  
program does not or will not meet the standards for 7531  
certification established in rules adopted under division (D) (4) 7532

of this section. 7533

(C) The state fire marshal may conduct or cause to be 7534  
conducted training programs for underground storage tank systems 7535  
installers as the fire marshal considers to be necessary or 7536  
appropriate. The state fire marshal is not subject to division 7537  
(B) of this section with respect to training programs conducted 7538  
by employees of the office of the state fire marshal. 7539

(D) The state fire marshal shall adopt, and may amend and 7540  
rescind, rules doing all of the following: 7541

(1) Defining the activities that constitute supervision 7542  
over the installation, performance of major repairs on site to, 7543  
abandonment of, and removal of underground storage tank systems; 7544

(2) Establishing standards and procedures for 7545  
certification of underground storage tank systems installers; 7546

(3) Establishing standards and procedures for continuing 7547  
education for certification renewal, subject to the provisions 7548  
of section 5903.12 of the Revised Code relating to active duty 7549  
military service; 7550

(4) Establishing standards and procedures for 7551  
certification of training programs for installers; 7552

(5) Establishing fees for applications for certifications 7553  
under this section, the examinations prescribed under division 7554  
(A) of this section, the issuance and renewal of certificates 7555  
under divisions (A) and (B) of this section, and attendance at 7556  
training programs conducted by the fire marshal under division 7557  
(C) of this section. Fees received under this section shall be 7558  
credited to the underground storage tank administration fund 7559  
created in section 3737.02 of the Revised Code and shall be used 7560  
to defray the costs of implementing, administering, and 7561

enforcing this section and the rules adopted thereunder, 7562  
conducting training sessions, and facilitating prevention of 7563  
releases. 7564

(6) That are necessary or appropriate for the 7565  
implementation, administration, and enforcement of this section. 7566

(E) Nothing in this section or the rules adopted under it 7567  
prohibits an owner or operator of an underground storage tank 7568  
system from installing, making major repairs on site to, 7569  
abandoning, or removing an underground storage tank system under 7570  
the supervision of an installer certified under division (A) of 7571  
this section who is a full-time or part-time employee of the 7572  
owner or operator. 7573

(F) On and after January 7, 1990, no person shall do any 7574  
of the following: 7575

(1) Install, make major repairs on site to, abandon, or 7576  
remove an underground storage tank system unless the activity is 7577  
performed under the supervision of a qualified individual who 7578  
holds a valid installer certificate issued under division (A) of 7579  
this section; 7580

(2) Act in the capacity of providing supervision for the 7581  
installation of, performance of major repairs on site to, 7582  
abandonment of, or removal of an underground storage tank system 7583  
unless the person holds a valid installer certificate issued 7584  
under division (A) of this section; 7585

(3) Except as provided in division (C) of this section, 7586  
sponsor a training program for underground storage tank systems 7587  
installers unless the person holds a valid training program 7588  
certificate issued under division (B) of this section. 7589

(G) Notwithstanding any provision of this section to the 7590

contrary, the state fire marshal shall issue an installer's 7591  
certification or a training program certificate in accordance 7592  
with section 9.79 of the Revised Code to an applicant if either 7593  
of the following applies: 7594

(1) The applicant holds an installer's license or 7595  
certification or a training program license or certificate in 7596  
another state. 7597

(2) The applicant has satisfactory work experience, a 7598  
government certification, or a private certification as 7599  
described in that section as an installer of underground storage 7600  
tank systems in a state that does not issue one or both of those 7601  
certifications. 7602

**Sec. 3742.05.** (A) (1) The director of health shall issue 7603  
lead inspector, lead abatement contractor, lead risk assessor, 7604  
lead abatement project designer, lead abatement worker, and 7605  
clearance technician licenses. ~~The~~ Except as provided in 7606  
division (C) of this section, the director shall issue a license 7607  
to an applicant who meets all of the following requirements: 7608

(a) Submits an application to the director on a form 7609  
prescribed by the director; 7610

(b) Meets the licensing and training requirements 7611  
established in rules adopted under section 3742.03 of the 7612  
Revised Code; 7613

(c) Successfully completes the licensing examination for 7614  
the applicant's area of expertise administered under section 7615  
3742.08 of the Revised Code and any training required by the 7616  
director under that section; 7617

(d) Pays the license fee established in rules adopted 7618  
under section 3742.03 of the Revised Code; 7619

(e) Provides the applicant's social security number and 7620  
any information the director may require to demonstrate the 7621  
applicant's compliance with this chapter and the rules adopted 7622  
under it. 7623

(2) An individual may hold more than one license issued 7624  
under this section, but a separate application is required for 7625  
each license. 7626

(B) A license issued under this section expires two years 7627  
after the date of issuance. The director shall renew a license 7628  
in accordance with the standard renewal procedure set forth in 7629  
Chapter 4745. of the Revised Code, if the licensee does all of 7630  
the following: 7631

(1) Continues to meet the requirements of division (A) of 7632  
this section; 7633

(2) Demonstrates compliance with procedures to prevent 7634  
public exposure to lead hazards and for worker protection during 7635  
lead abatement projects established in rules adopted under 7636  
section 3742.03 of the Revised Code; 7637

(3) Meets the record-keeping and reporting requirements 7638  
for lead abatement projects or clearance examinations 7639  
established in rules adopted under section 3742.03 of the 7640  
Revised Code; 7641

(4) Pays the license renewal fee established in rules 7642  
adopted under section 3742.03 of the Revised Code. 7643

(C) ~~An individual licensed, certified, or otherwise~~ 7644  
~~approved under the law of another state to perform functions~~ 7645  
~~substantially similar to those of~~ The director shall issue a 7646  
lead inspector, lead abatement contractor, lead risk assessor, 7647  
lead abatement project designer, lead abatement worker, or 7648

clearance technician ~~may apply to the director of health for~~ 7649  
~~licensure in accordance with the procedures set forth in~~ 7650  
~~division (A) of this section. The director shall license an~~ 7651  
~~individual under this division on a determination that the~~ 7652  
~~standards for licensure, certification, or approval in that~~ 7653  
~~state are at least substantially equivalent to those established~~ 7654  
~~by this chapter and the rules adopted under it. The director may~~ 7655  
~~require an examination for licensure under this division \_~~ 7656  
license in accordance with section 9.79 of the Revised Code to 7657  
an applicant if either of the following applies: 7658

(1) The applicant holds a license in another state. 7659

(2) The applicant has satisfactory work experience, a 7660  
government certification, or a private certification as 7661  
described in that section as a lead inspector, lead abatement 7662  
contractor, lead risk assessor, lead abatement project designer, 7663  
lead abatement worker, or clearance technician in a state that 7664  
does not issue one or more of those licenses. 7665

**Sec. 3743.03.** (A) If a person submits an application for 7666  
licensure as a manufacturer of fireworks, together with the 7667  
license fee, fingerprints, and proof of the insurance coverage, 7668  
as required by section 3743.02 of the Revised Code, the state 7669  
fire marshal shall review the application and accompanying 7670  
matter, request the criminal records check described in division 7671  
(E) of this section, inspect the premises of the fireworks plant 7672  
described in the application, and determine whether the 7673  
applicant will be issued the license. In determining whether to 7674  
issue the license, the state fire marshal shall consider the 7675  
results of the criminal records check and the inspection, and 7676  
the information set forth in the application, and shall decide 7677  
whether the applicant and the fireworks plant described in the 7678

application conform to sections 3743.02 to 3743.08 of the 7679  
Revised Code and the rules adopted by the state fire marshal 7680  
pursuant to section 3743.05 of the Revised Code, and are in full 7681  
compliance with Chapters 3781. and 3791. of the Revised Code, 7682  
and any applicable building or zoning regulations. 7683

(B) ~~Subject~~ Except as provided in division (F) of this 7684  
section and subject to section 3743.70 of the Revised Code, the 7685  
state fire marshal shall issue a license in accordance with 7686  
Chapter 119. of the Revised Code to an applicant for licensure 7687  
as a manufacturer of fireworks only if the applicant and the 7688  
fireworks plant described in the application conform to sections 7689  
3743.02 to 3743.08 of the Revised Code and the rules adopted by 7690  
the state fire marshal pursuant to section 3743.05 of the 7691  
Revised Code, only if the fireworks plant described in the 7692  
application complies with the Ohio building code adopted under 7693  
Chapter 3781. of the Revised Code, if that fireworks plant was 7694  
constructed after May 30, 1986, and only if the state fire 7695  
marshal is satisfied that the application and accompanying 7696  
matter are complete and in conformity with section 3743.02 of 7697  
the Revised Code. The requirements of this chapter and of the 7698  
rules adopted under this chapter as applicable to the structure 7699  
of a building do not apply to a building in a fireworks plant if 7700  
the building was inspected and approved by the department of 7701  
industrial relations or by any building department certified 7702  
pursuant to division (E) of section 3781.10 of the Revised Code 7703  
prior to May 30, 1986. 7704

(C) Each license issued pursuant to this section shall 7705  
contain a distinct number assigned to the licensed manufacturer 7706  
and, if the licensed manufacturer will engage in the processing 7707  
of fireworks as any part of its manufacturing of fireworks at 7708  
the fireworks plants, a notation indicating that fact. The state 7709



fire marshal shall maintain a list of all licensed manufacturers 7710  
of fireworks. In the list next to each manufacturer's name, the 7711  
state fire marshal shall insert the period of licensure, the 7712  
license number of the manufacturer, and, if applicable, a 7713  
notation that the manufacturer will engage in the processing of 7714  
fireworks as part of its manufacturing of fireworks. 7715

(D) The holder of a license issued pursuant to this 7716  
section may request the state fire marshal to cancel that 7717  
license and issue in its place a license to sell fireworks at 7718  
wholesale under section 3743.16 of the Revised Code. Upon 7719  
receipt of such a request, the state fire marshal shall cancel 7720  
the license issued under this section and issue a license under 7721  
section 3743.16 of the Revised Code if the applicant meets the 7722  
requirements of that section. 7723

(E) Upon receipt of an application and the required 7724  
accompanying matter under section 3743.02 of the Revised Code, 7725  
the state fire marshal shall forward to the superintendent of 7726  
the bureau of criminal identification and investigation a 7727  
request that the bureau conduct an investigation of the 7728  
applicant and, if applicable, additional individuals who hold, 7729  
own, or control a five per cent or greater beneficial or equity 7730  
interest in the applicant, to determine whether the applicant or 7731  
the additional associated individuals have been convicted of or 7732  
pled guilty to a felony under the laws of this state, another 7733  
state, or the United States. 7734

If the applicant for initial licensure has resided in this 7735  
state for less than five continuous years immediately prior to 7736  
the date the applicant submits an initial application, the 7737  
superintendent also shall request that the federal bureau of 7738  
investigation conduct an investigation of the applicant and, if 7739

applicable, additional individuals who hold, own, or control a 7740  
five per cent or greater beneficial or equity interest in the 7741  
applicant, to determine whether the applicant or the additional 7742  
associated individuals have been convicted of or pled guilty to 7743  
a felony under the laws of this state, another state, or the 7744  
United States. 7745

The superintendent shall forward the results of an 7746  
investigation conducted pursuant to this division to the state 7747  
fire marshal and may charge a reasonable fee for providing the 7748  
results. The state fire marshal shall assess any fee charged by 7749  
the superintendent for the results to the applicant. 7750

(F) The state fire marshal shall issue a license to act as 7751  
a manufacturer of fireworks in accordance with section 9.79 of 7752  
the Revised Code to an applicant if either of the following 7753  
applies: 7754

(1) The applicant is licensed in another state. 7755

(2) The applicant has satisfactory work experience, a 7756  
government certification, or a private certification as 7757  
described in that section as a manufacturer of fireworks in a 7758  
state that does not issue that license. 7759

**Sec. 3743.16.** (A) If a person submits an application for 7760  
licensure as a wholesaler of fireworks, together with the 7761  
license fee, fingerprints, and proof of the insurance coverage, 7762  
as required by section 3743.15 of the Revised Code, the state 7763  
fire marshal shall review the application and accompanying 7764  
matter, request the criminal records check described in division 7765  
(D) of this section, inspect the premises on which the fireworks 7766  
would be sold, and determine whether the applicant will be 7767  
issued the license. In determining whether to issue the license, 7768

the state fire marshal shall consider the results of the 7769  
criminal records check and the inspection, and the information 7770  
set forth in the application, and shall decide whether the 7771  
applicant and the premises on which the fireworks will be sold 7772  
conform to sections 3743.15 to 3743.21 of the Revised Code and 7773  
the rules adopted by the state fire marshal pursuant to section 7774  
3743.18 of the Revised Code, and are in full compliance with 7775  
Chapters 3781. and 3791. of the Revised Code, and any applicable 7776  
building or zoning regulations. 7777

(B) ~~Subject~~ Except as provided in division (E) of this 7778  
section and subject to section 3743.70 of the Revised Code, the 7779  
state fire marshal shall issue a license in accordance with 7780  
Chapter 119. of the Revised Code to the applicant for licensure 7781  
as a wholesaler of fireworks only if the applicant and the 7782  
premises on which the fireworks will be sold conform to sections 7783  
3743.15 to 3743.21 of the Revised Code and the rules adopted by 7784  
the state fire marshal pursuant to section 3743.18 of the 7785  
Revised Code, only if the premises on which the fireworks will 7786  
be sold complies with the Ohio building code adopted under 7787  
Chapter 3781. of the Revised Code, if that premises was 7788  
constructed after May 30, 1986, and only if the state fire 7789  
marshal is satisfied that the application and accompanying 7790  
matter are complete and in conformity with section 3743.15 of 7791  
the Revised Code. The requirements of this chapter and of the 7792  
rules adopted under this chapter as applicable to the structure 7793  
of a building do not apply to a building used by a wholesaler if 7794  
the building was inspected and approved by the department of 7795  
industrial relations or by any building department certified 7796  
pursuant to division (E) of section 3781.10 of the Revised Code 7797  
prior to May 30, 1986. 7798

(C) Each license issued pursuant to this section shall 7799

contain a distinct number assigned to the particular wholesaler. 7800  
The state fire marshal shall maintain a list of all licensed 7801  
wholesalers of fireworks. In this list next to each wholesaler's 7802  
name, the state fire marshal shall insert the period of 7803  
licensure and the license number of the particular wholesaler. 7804

(D) Upon receipt of an application and the required 7805  
accompanying matter under section 3743.15 of the Revised Code, 7806  
the state fire marshal shall forward to the superintendent of 7807  
the bureau of criminal identification and investigation a 7808  
request that the bureau conduct an investigation of the 7809  
applicant and, if applicable, additional individuals who hold, 7810  
own, or control a five per cent or greater beneficial or equity 7811  
interest in the applicant, to determine whether the applicant or 7812  
the additional associated individuals have been convicted of or 7813  
pled guilty to a felony under the laws of this state, another 7814  
state, or the United States. 7815

If the applicant for initial licensure has resided in this 7816  
state for less than five continuous years immediately prior to 7817  
the date the applicant submits an initial application, the 7818  
superintendent also shall request that the federal bureau of 7819  
investigation conduct an investigation of the applicant and, if 7820  
applicable, additional individuals who hold, own, or control a 7821  
five per cent or greater beneficial or equity interest in the 7822  
applicant, to determine whether the applicant or the additional 7823  
associated individuals have been convicted of or pled guilty to 7824  
a felony under the laws of this state, another state, or the 7825  
United States. 7826

The superintendent shall forward the results of an 7827  
investigation conducted pursuant to this division to the state 7828  
fire marshal and may charge a reasonable fee for providing the 7829

results. The state fire marshal shall assess any fee charged by 7830  
the superintendent for the results to the applicant. 7831

(E) The state fire marshal shall issue a license to act as 7832  
a wholesaler of fireworks in accordance with section 9.79 of the 7833  
Revised Code to an applicant if either of the following applies: 7834

(1) The applicant is licensed in another state. 7835

(2) The applicant has satisfactory work experience, a 7836  
government certification, or a private certification as 7837  
described in that section as a wholesaler of fireworks in a 7838  
state that does not issue that license. 7839

**Sec. 3743.40.** (A) Any person who resides in another state 7840  
and who intends to ship fireworks into this state shall submit 7841  
to the state fire marshal an application for a shipping permit. 7842  
As used in this section, "fireworks" includes only 1.3G and 1.4G 7843  
fireworks. The application shall be submitted prior to shipping 7844  
fireworks into this state, shall be on a form prescribed by the 7845  
state fire marshal, shall contain the information required by 7846  
division (B) of this section and all information requested by 7847  
the state fire marshal, and shall be accompanied by the fee and 7848  
the documentation described in division (C) of this section. 7849

The state fire marshal shall prescribe a form for 7850  
applications for shipping permits and make a copy of the form 7851  
available, upon request, to persons who seek such a permit. 7852

(B) In an application for a shipping permit, the applicant 7853  
shall specify the types of fireworks to be shipped into this 7854  
state. 7855

(C) An application for a shipping permit shall be 7856  
accompanied by a fee of two thousand seven hundred fifty 7857  
dollars. 7858

An application for a shipping permit shall be accompanied 7859  
by a certified copy or other copy acceptable to the state fire 7860  
marshal of the applicant's license or permit issued in the 7861  
applicant's state of residence and authorizing the applicant to 7862  
engage in the manufacture, wholesale sale, or transportation of 7863  
fireworks in that state, if that state issues such a license or 7864  
permit, and by a statement by the applicant that the applicant 7865  
understands and will abide by rules adopted by the state fire 7866  
marshal pursuant to section 3743.58 of the Revised Code for 7867  
transporting fireworks. 7868

(D) Except as otherwise provided in this division, and 7869  
subject to section 3743.70 of the Revised Code, the state fire 7870  
marshal shall issue a shipping permit to an applicant only if 7871  
the state fire marshal determines that the applicant is a 7872  
resident of another state and is the holder of a license or 7873  
permit issued by that state authorizing it to engage in the 7874  
manufacture, wholesale sale, or transportation of fireworks in 7875  
that state, and the state fire marshal is satisfied that the 7876  
application and documentation are complete and in conformity 7877  
with this section and that the applicant will transport 7878  
fireworks into this state in accordance with rules adopted by 7879  
the state fire marshal pursuant to section 3743.58 of the 7880  
Revised Code. The state fire marshal shall issue a shipping 7881  
permit to an applicant if the applicant meets all of the 7882  
requirements of this section for the issuance of a shipping 7883  
permit except that the applicant does not hold a license or 7884  
permit issued by the state of residence authorizing the 7885  
applicant to engage in the manufacture, wholesale sale, or 7886  
transportation of fireworks in that state because that state 7887  
does not issue such a license or permit. 7888

(E) Each permit issued pursuant to this section shall 7889

contain a distinct number assigned to the particular permit 7890  
holder, and contain the information described in division (B) of 7891  
this section. 7892

The state fire marshal shall maintain a list of all 7893  
persons issued shipping permits. In this list next to each 7894  
person's name, the state fire marshal shall insert the date upon 7895  
which the permit was issued and the information described in 7896  
division (B) of this section. 7897

(F) A shipping permit is valid for one year from the date 7898  
of issuance by the state fire marshal and only if the permit 7899  
holder ships the fireworks directly into this state to the 7900  
holder of a license issued under section 3743.03 or 3743.16 of 7901  
the Revised Code or a license holder under section 3743.51 of 7902  
the Revised Code who possesses a valid exhibition permit issued 7903  
in accordance with section 3743.54 of the Revised Code and the 7904  
fireworks shipped are to be used at the specifically permitted 7905  
exhibition. The permit authorizes the permit holder to ship 7906  
fireworks, as described in rules adopted by the state fire 7907  
marshal under Chapter 119. of the Revised Code, directly to the 7908  
holder of a license issued under section 3743.03 or 3743.16 of 7909  
the Revised Code, and to possess the fireworks in this state 7910  
while the permit holder is in the course of shipping them 7911  
directly into this state. 7912

The holder of a shipping permit shall have the permit in 7913  
the holder's possession in this state at all times while in the 7914  
course of shipping the fireworks directly into this state. A 7915  
shipping permit is not transferable or assignable. 7916

(G) The state fire marshal shall not require a person 7917  
holding a shipping permit issued under this section to obtain a 7918  
shipping permit pursuant to section 9.79 of the Revised Code. 7919

Sec. 3743.51. (A) If a person submits an application for 7920  
licensure as an exhibitor of fireworks, together with the fee, 7921  
as required by section 3743.50 of the Revised Code, the state 7922  
fire marshal shall review the application and determine whether 7923  
the applicant satisfies sections 3743.50 to 3743.55 of the 7924  
Revised Code and the rules adopted by the state fire marshal 7925  
pursuant to division (A) of section 3743.53 of the Revised Code. 7926

(B) ~~Subject~~ Except as provided in division (D) of this 7927  
section and subject to section 3743.70 of the Revised Code, the 7928  
state fire marshal shall issue a license in accordance with 7929  
Chapter 119. of the Revised Code to the applicant for licensure 7930  
as an exhibitor of fireworks only if the applicant satisfies 7931  
sections 3743.50 to 3743.55 of the Revised Code and the rules 7932  
adopted by the state fire marshal pursuant to division (A) of 7933  
section 3743.53 of the Revised Code, and only if the state fire 7934  
marshal is satisfied that the application is complete and in 7935  
conformity with section 3743.50 of the Revised Code. 7936

(C) Each license issued pursuant to this section shall 7937  
contain a distinct number assigned to the particular exhibitor. 7938  
The state fire marshal shall maintain a list of all licensed 7939  
exhibitors of fireworks. In this list next to each exhibitor's 7940  
name, the state fire marshal shall insert the period of 7941  
licensure and the license number of the particular exhibitor. 7942

(D) The state fire marshal shall issue a license to act as 7943  
an exhibitor of fireworks in accordance with section 9.79 of the 7944  
Revised Code to an applicant if either of the following applies: 7945

(1) The applicant is licensed in another state. 7946

(2) The applicant has satisfactory work experience, a 7947  
government certification, or a private certification as 7948



described in that section as an exhibitor of fireworks in a 7949  
state that does not issue that license. 7950

**Sec. 3745.14.** (A) As used in this section: 7951

(1) "Compliance review" means the review of an application 7952  
for a permit, renewal of a permit, or plan approval, or 7953  
modification thereof, for an existing or proposed facility, 7954  
source, or activity and the accompanying engineering plans, 7955  
specifications, and materials and information that are submitted 7956  
under Chapter 3704., 3734., 6109., or 6111. of the Revised Code 7957  
and rules adopted under them for compliance with performance 7958  
standards under the applicable chapter and rules adopted under 7959  
it. "Compliance review" does not include the review of an 7960  
application for a hazardous waste facility installation and 7961  
operation permit or the renewal or modification of such a 7962  
permit, a permit to establish or modify an infectious waste 7963  
treatment facility, a permit to install a solid waste 7964  
incineration facility that also would treat infectious wastes, 7965  
or a permit to modify a solid waste incineration facility to 7966  
also treat infectious wastes under Chapter 3734. of the Revised 7967  
Code. 7968

(2) "Engineer" includes both of the following: 7969

(a) A professional engineer registered under Chapter 4733. 7970  
of the Revised Code; 7971

(b) A firm, partnership, association, or corporation 7972  
providing engineering services in this state in compliance with 7973  
Chapter 4733. of the Revised Code. 7974

(B) (1) The director of environmental protection, in 7975  
accordance with Chapter 119. of the Revised Code, shall adopt, 7976  
and may amend and rescind, rules establishing a program for the 7977

certification of engineers to conduct compliance reviews. The 7978  
rules, at a minimum, shall do all of the following: 7979

~~(1)~~ (a) Require that the program be administered by the 7980  
director; 7981

~~(2)~~ (b) Establish eligibility criteria for certification to 7982  
conduct compliance reviews; 7983

~~(3)~~ (c) Establish criteria for denying, suspending, and 7984  
revoking certifications and renewals of certifications issued 7985  
pursuant to rules adopted under division (B) of this section; 7986

~~(4)~~ (d) Require the periodic renewal of certifications 7987  
issued pursuant to rules adopted under division (B) of this 7988  
section; 7989

~~(5)~~ (e) Establish an application fee and fee for issuance 7990  
for certifications under this section. The fees shall be 7991  
established at a level calculated to defray the costs to the 7992  
environmental protection agency for administering the 7993  
certification program established by rules adopted under 7994  
division (B) of this section. All such application and 7995  
certification fees received by the director shall be deposited 7996  
into the state treasury to the credit of the permit review fund 7997  
created in division (E) of this section. 7998

(2) The director shall issue a certification to conduct 7999  
compliance reviews in accordance with section 9.79 of the 8000  
Revised Code to an applicant if either of the following applies: 8001

(a) The applicant holds a certification or license in 8002  
another state. 8003

(b) The applicant has satisfactory work experience, a 8004  
government certification, or a private certification as 8005

described in that section conducting compliance reviews in a 8006  
state that does not issue that certification. 8007

(C) The director shall maintain a current list of all 8008  
engineers who are certified to conduct compliance reviews 8009  
pursuant to rules adopted under this section. The list shall 8010  
indicate the types of permits, permit renewals, and plan 8011  
approvals that each engineer is certified to review and the 8012  
types or categories of facilities, sources, or activities in 8013  
connection with which the engineer is certified to conduct the 8014  
reviews. Upon request, the director shall provide a copy of the 8015  
list to anyone requesting it. 8016

(D) An applicant for a permit, renewal of a permit, plan 8017  
approval, or modification thereof, under Chapter 3704., 3734., 8018  
6109., or 6111. of the Revised Code and applicable rules adopted 8019  
under them, other than a hazardous waste facility installation 8020  
and operation permit or renewal or modification of such a 8021  
permit, a permit to establish or modify an infectious waste 8022  
treatment facility, a permit to install a solid waste 8023  
incineration facility that also would treat infectious wastes, 8024  
or a permit to modify a solid waste incineration facility to 8025  
also treat infectious wastes under Chapter 3734. of the Revised 8026  
Code, may submit a written request to the director to have the 8027  
compliance review conducted by an engineer certified under this 8028  
section. The request shall accompany the permit application, 8029  
shall indicate the applicant's choice from among the certified 8030  
engineers on the director's list who are qualified to conduct 8031  
the compliance review, shall be accompanied by separate 8032  
certifications by the applicant and the engineer indicating that 8033  
the applicant does not have and has not had during the preceding 8034  
two years a financial interest in the engineer and has not 8035  
employed or retained the engineer to perform services for the 8036

applicant during the preceding two years, and may be accompanied 8037  
by a draft proposal for conducting the compliance review that 8038  
was developed by the applicant and the engineer. No such draft 8039  
proposal is binding upon the director. 8040

Within seven days after receiving a request under this 8041  
division, the director shall do all of the following, as 8042  
appropriate: 8043

(1) In the director's discretion, approve or disapprove 8044  
the applicant's request to have the compliance review of the 8045  
application conducted by an engineer on the list of certified 8046  
engineers prepared under this section; 8047

(2) If the director approves the conducting of the 8048  
compliance review by such a certified engineer, approve or 8049  
disapprove, in the director's discretion, the applicant's choice 8050  
of the engineer; 8051

(3) Mail written notice of decisions made under divisions 8052  
(D) (1) and (2) of this section to the applicant. 8053

If the director fails to mail notice of the director's 8054  
decisions on the request to the applicant within seven days 8055  
after receiving the request, it is conclusively presumed that 8056  
the director approved the applicant's request to have the 8057  
compliance review conducted by a certified engineer and the 8058  
applicant's choice of the engineer, and the director shall enter 8059  
into a contract with the engineer chosen by the applicant. If 8060  
the director disapproves the applicant's choice of an engineer 8061  
and provides timely notice of the disapproval to the applicant, 8062  
the director and applicant, by mutual agreement, shall select 8063  
another engineer from the list prepared under this section to 8064  
conduct the compliance review, and the director shall enter into 8065

a contract with that engineer.

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(E) The director may enter into contracts for conducting performance reviews under division (D) of this section without advertising for bids. The commencement of any work under such a contract shall be contingent upon the director's receipt of payment from the applicant of an amount that is equal to one hundred ten per cent of the amount specified in the contract, excluding contingencies for any additional work that may be needed to properly complete the review and that was not anticipated when the contract was made. Moneys received by the director from an applicant shall be deposited into the permit review fund, which is hereby created in the state treasury. The director shall use moneys in the fund to pay the cost of compliance reviews conducted pursuant to contracts entered into under division (D) of this section and to administer the certification program established under division (B) of this section. The director may use any moneys in the fund not needed for those purposes to administer the environmental laws or programs of this state.

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If, while conducting a compliance review, the engineer finds that work in addition to that upon which the cost under the contract was based, or any additional work previously authorized under this division, is needed to properly review the application and accompanying information for compliance with the applicable performance standards, the engineer shall notify the director of that fact and of the cost of the additional work, as determined pursuant to the terms of the contract. If the director finds that the additional work is needed and that the costs of performing the work have been determined in accordance with the terms of the contract, the director shall authorize the contractor to perform the work. Upon completion of the

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additional work, the contractor shall submit to the director an 8097  
invoice for the cost of performing the additional work, and the 8098  
director shall forward a copy of the invoice to the applicant. 8099  
The applicant is liable to the state for an amount equal to one 8100  
hundred ten per cent of the cost of performing the additional 8101  
work and, within thirty days after receiving a copy of the 8102  
invoice, shall pay to the director an amount equal to one 8103  
hundred ten per cent of the amount indicated on the invoice. 8104  
Upon receiving this payment, the director shall forward the 8105  
moneys to the treasurer of state, who shall deposit them into 8106  
the state treasury to the credit of the permit review fund. 8107

Until the applicant pays to the director the amount due in 8108  
connection with the additional work, the director shall not 8109  
issue to the applicant any permit, renewal of a permit, or plan 8110  
approval, or modification thereof, for which an application is 8111  
pending before the director. The director also may certify the 8112  
unpaid amount to the attorney general and request that the 8113  
attorney general bring a civil action against the applicant to 8114  
recover that amount. Any moneys so recovered shall be deposited 8115  
into the state treasury to the credit of the permit review fund. 8116

(F) Upon completing a compliance review conducted under 8117  
this section, the engineer shall make a certification to the 8118  
director as to whether the existing or proposed facility, 8119  
source, activity, or modification will comply with the 8120  
applicable performance standards. If the certification indicates 8121  
that the existing or proposed facility, source, activity, or 8122  
modification will not comply, the engineer shall include in the 8123  
certification the engineer's findings as to the causes of the 8124  
noncompliance. 8125

(G) When a compliance review is conducted by an engineer 8126

certified under this section, the other activities in connection 8127  
with the consideration, approval, and issuance of the permit, 8128  
renewal of the permit, or plan approval, or modification 8129  
thereof, shall be conducted by the director in accordance with 8130  
the applicable provisions of Chapter 3704., 3734., 6109., or 8131  
6111. of the Revised Code and rules adopted under the applicable 8132  
chapter. 8133

(H) All expenses incurred by the attorney general in 8134  
bringing a civil action under this section shall be reimbursed 8135  
from the permit review fund in accordance with Chapter 109. of 8136  
the Revised Code. 8137

Sec. 3746.041. The director of environmental protection 8138  
shall issue an environmental professional certification provided 8139  
for under division (B) (5) of section 3746.04 of the Revised Code 8140  
in accordance with section 9.79 of the Revised Code if an 8141  
applicant either holds a certification or license in another 8142  
state, or the applicant has satisfactory work experience, a 8143  
government certification, or a private certification as 8144  
described in section 9.79 of the Revised Code as an 8145  
environmental professional in a state that does not issue that 8146  
certification. 8147

Sec. 3748.07. (A) ~~Every~~ Except as provided in division (G) 8148  
of this section, every facility that proposes to handle 8149  
radioactive material or radiation-generating equipment for which 8150  
licensure or registration, respectively, by its handler is 8151  
required shall apply in writing to the director of health on 8152  
forms prescribed and provided by the director for licensure or 8153  
registration. Terms and conditions of licenses and certificates 8154  
of registration may be amended in accordance with rules adopted 8155  
under section 3748.04 of the Revised Code or orders issued by 8156

the director pursuant to section 3748.05 of the Revised Code. 8157

(B) (1) ~~An~~ Except as provided in division (G) of this 8158  
section, an applicant proposing to handle radioactive material 8159  
shall pay for a license or renewal of a license the appropriate 8160  
fee specified in rules adopted under section 3748.04 of the 8161  
Revised Code and listed on an invoice provided by the director. 8162  
The applicant shall pay the fee on receipt of the invoice. 8163

(2) (a) Except as provided in division (B) (2) (b) of this 8164  
section, until fees are established in rules adopted under 8165  
division (A) (8) (b) of section 3748.04 of the Revised Code, an 8166  
applicant proposing to handle radiation-generating equipment 8167  
shall pay for a certificate of registration or renewal of a 8168  
certificate a biennial registration fee of two hundred sixty-two 8169  
dollars. 8170

Except as provided in division (B) (2) (b) of this section, 8171  
on and after the effective date of the rules in which fees are 8172  
established under division (A) (8) (b) of section 3748.04 of the 8173  
Revised Code, an applicant proposing to handle radiation- 8174  
generating equipment shall pay for a certificate of registration 8175  
or renewal of a certificate the appropriate fee established in 8176  
those rules. 8177

The applicant shall pay the fees described in division (B) 8178  
(2) (a) of this section at the time of applying for a certificate 8179  
of registration or renewal of a certificate. 8180

(b) An applicant that is, or is operated by, a medical 8181  
practitioner or medical-practitioner group and proposes to 8182  
handle radiation-generating equipment shall pay for a 8183  
certificate of registration or renewal of a certificate a 8184  
biennial registration fee of two hundred sixty-two dollars. The 8185



applicant shall pay the fee at the time of applying for a 8186  
certificate of registration or renewal of the certificate. 8187

(C) All fees collected under this section shall be 8188  
deposited in the state treasury to the credit of the general 8189  
operations fund created in section 3701.83 of the Revised Code. 8190  
The fees shall be used solely to administer and enforce this 8191  
chapter and rules adopted under it. 8192

(D) Any fee required under this section that remains 8193  
unpaid on the ninety-first day after the original invoice date 8194  
shall be assessed an additional amount equal to ten per cent of 8195  
the original fee. 8196

(E) The director shall grant a license or registration to 8197  
any applicant who has paid the required fee and is in compliance 8198  
with this chapter and rules adopted under it. 8199

(F) Except as provided in division (B) (2) of this section, 8200  
licenses and certificates of registration shall be effective for 8201  
the applicable period established in rules adopted under section 8202  
3748.04 of the Revised Code. Licenses and certificates of 8203  
registration shall be renewed in accordance with the renewal 8204  
procedure established in rules adopted under section 3748.04 of 8205  
the Revised Code. 8206

(G) The director shall issue a license to handle 8207  
radioactive material or a certificate of registration to handle 8208  
radiation-generating equipment in accordance with section 9.79 8209  
of the Revised Code to an applicant if either of the following 8210  
applies: 8211

(1) The applicant holds a license or certificate in 8212  
another state. 8213

(2) The applicant has satisfactory work experience, a 8214

government certification, or a private certification in handling 8215  
radioactive material or radiation-generating equipment in a 8216  
state that does not issue that license or certification or both. 8217

**Sec. 3748.12.** ~~The~~ (A) Except as provided in division (C) 8218  
of this section, the director of health shall certify radiation 8219  
experts pursuant to rules adopted under division (C) of section 8220  
3748.04 of the Revised Code. The director shall issue a 8221  
certificate to each person certified under this section. An 8222  
individual certified by the director is qualified to develop, 8223  
provide periodic review of, and conduct audits of the quality 8224  
assurance program for sources of radiation for which such a 8225  
program is required under division (A) of section 3748.13 of the 8226  
Revised Code. 8227

(B) The director shall establish an application fee for 8228  
applying for certification and a biennial certification renewal 8229  
fee in rules adopted under division (C) of section 3748.04 of 8230  
the Revised Code. A certificate issued under this section shall 8231  
expire two years after the date of its issuance. To maintain 8232  
certification, a radiation expert shall apply to the director 8233  
for renewal of certification in accordance with the standard 8234  
renewal procedures established in Chapter 4745. of the Revised 8235  
Code. The certification renewal fee is not required for initial 8236  
certification, but shall be paid for every renewal of 8237  
certification. Fees collected under this section shall be 8238  
deposited into the state treasury to the credit of the general 8239  
operations fund created in section 3701.83 of the Revised Code. 8240  
The fees shall be used solely to administer and enforce this 8241  
chapter and rules adopted under it. Any fee required under this 8242  
section that remains unpaid on the ninety-first day after the 8243  
original invoice date shall be assessed an additional amount 8244  
equal to ten per cent of the original fee. 8245

(C) The director shall issue a certificate in accordance 8246  
with section 9.79 of the Revised Code to an applicant if either 8247  
of the following applies: 8248

(1) The applicant holds a license or certificate in 8249  
another state. 8250

(2) The applicant has satisfactory work experience, a 8251  
government certification, or a private certification as a 8252  
radiation expert in a state that does not issue that 8253  
certificate. 8254

**Sec. 3769.03.** The state racing commission shall prescribe 8255  
the rules and conditions under which horse racing may be 8256  
conducted and may issue, deny, suspend, diminish, or revoke 8257  
permits to conduct horse racing as authorized by sections 8258  
3769.01 to 3769.14 of the Revised Code. The commission may 8259  
impose, in addition to any other penalty imposed by the 8260  
commission, fines in an amount not to exceed ten thousand 8261  
dollars on any permit holder or any other person who violates 8262  
the rules or orders of the commission. The commission may 8263  
prescribe the forms of wagering that are permissible, the number 8264  
of races, the procedures on wagering, and the wagering 8265  
information to be provided to the public. 8266

The commission may require totalizator equipment to 8267  
display the amount of wagering in each wagering pool. The 8268  
commission shall initiate safeguards as necessary to account for 8269  
the amount of money wagered at each track in each wagering pool. 8270  
It may require permit holders to install equipment that will 8271  
provide a complete check and analysis of the functioning of any 8272  
computers and require safeguards on their performance. The 8273  
commission shall require all permit holders, except those 8274  
holding state fair, county fair, or other fair permits, to 8275

provide a photographic recording, approved by the commission, of 8276  
the entire running of all races conducted by the permit holder. 8277

The state racing commission may issue, deny, suspend, or 8278  
revoke licenses to those persons engaged in racing and to those 8279  
employees of permit holders as is in the public interest for the 8280  
purpose of maintaining a proper control over horse-racing 8281  
meetings. The commission, as is in the public interest for the 8282  
purpose of maintaining proper control over horse-racing 8283  
meetings, also may rule any person off a permit holder's 8284  
premises. License fees shall include registration fees and shall 8285  
be set by the commission. Each license issued by the commission, 8286  
unless revoked for cause, shall be for the period of one year 8287  
from the first day of January of the year in which it is issued, 8288  
except as otherwise provided in section 3769.07 of the Revised 8289  
Code. Applicants for licenses issued by the commission shall 8290  
submit their fingerprints to the commission, and the commission 8291  
may forward the fingerprints to the federal bureau of 8292  
investigation or to any other agency, or to both, for 8293  
examination. The commission shall issue a license to a person 8294  
engaged in racing or an employee of a permit holder in 8295  
accordance with section 9.79 of the Revised Code if that person 8296  
or employee holds a license in another state, or that person or 8297  
employee has satisfactory work experience, a government 8298  
certification, or a private certification in horse racing in a 8299  
state that does not issue that license. 8300

There is hereby created in the state treasury the state 8301  
racing commission operating fund. All license fees established 8302  
and collected by the commission pursuant to this section, and 8303  
the amounts specified in divisions (B) and (C) of section 8304  
3769.08 and division (A) (5) of section 3769.087 of the Revised 8305  
Code, shall be paid into the state treasury to the credit of the 8306

fund. Moneys in the fund shall be expended by the commission to 8307  
defray its operating costs, salaries and expenses, and the cost 8308  
of administering and enforcing this chapter. 8309

The commission may deny a permit to any permit holder that 8310  
has defaulted in payments to the public, employees, or the 8311  
horsemen and may deny a permit to any successor purchaser of a 8312  
track for as long as any of those defaults have not been 8313  
satisfied by either the seller or purchaser. 8314

The commission shall deny a permit to any permit holder 8315  
that has defaulted in payments to the state or has defaulted in 8316  
payments required under section 3769.089 or 3769.0810 of the 8317  
Revised Code and shall deny a permit to any successor purchaser 8318  
of a track for as long as those defaults have not been satisfied 8319  
by either the seller or purchaser. 8320

Any violation of this chapter, of any rule of racing 8321  
adopted by the commission, or of any law or rule with respect to 8322  
racing in any jurisdiction shall be sufficient reason for a 8323  
refusal to issue a license, or a suspension or revocation of any 8324  
license issued, pursuant to this section. 8325

With respect to the issuance, denial, suspension, or 8326  
revocation of a license to a participant in horse racing, the 8327  
action of the commission shall be subject to Chapter 119. of the 8328  
Revised Code. 8329

The commission may sue and be sued in its own name. Any 8330  
action against the commission shall be brought in the court of 8331  
common pleas of Franklin county. Any appeal from a determination 8332  
or decision of the commission rendered in the exercise of its 8333  
powers and duties under this chapter shall be brought in the 8334  
court of common pleas of Franklin county. 8335

The commission, biennially, shall make a full report to 8336  
the governor of its proceedings for the two-year period ending 8337  
with the thirty-first day of December preceding the convening of 8338  
the general assembly and shall include its recommendations in 8339  
the report. The commission, semiannually, on the thirtieth day 8340  
of June and on the thirty-first day of December of each year, 8341  
shall make a report and accounting to the governor. 8342

**Sec. 3770.02.** (A) Subject to the advice and consent of the 8343  
senate, the governor shall appoint a director of the state 8344  
lottery commission who shall serve at the pleasure of the 8345  
governor. The director shall devote full time to the duties of 8346  
the office and shall hold no other office or employment. The 8347  
director shall meet all requirements for appointment as a member 8348  
of the commission and shall, by experience and training, possess 8349  
management skills that equip the director to administer an 8350  
enterprise of the nature of a state lottery. The director shall 8351  
receive an annual salary in accordance with pay range 48 of 8352  
section 124.152 of the Revised Code. 8353

(B) (1) The director shall attend all meetings of the 8354  
commission and shall act as its secretary. The director shall 8355  
keep a record of all commission proceedings and shall keep the 8356  
commission's records, files, and documents at the commission's 8357  
principal office. All records of the commission's meetings shall 8358  
be available for inspection by any member of the public, upon a 8359  
showing of good cause and prior notification to the director. 8360

(2) The director shall be the commission's executive 8361  
officer and shall be responsible for keeping all commission 8362  
records and supervising and administering the state lottery in 8363  
accordance with this chapter, and carrying out all commission 8364  
rules adopted under section 3770.03 of the Revised Code. 8365

(C) (1) The director shall appoint deputy directors as 8366  
necessary and as many regional managers as are required. The 8367  
director may also appoint necessary professional, technical, and 8368  
clerical assistants. All such officers and employees shall be 8369  
appointed and compensated pursuant to Chapter 124. of the 8370  
Revised Code. Regional and assistant regional managers, sales 8371  
representatives, and any lottery executive account 8372  
representatives shall remain in the unclassified service. The 8373  
assistant director shall act as director in the absence or 8374  
disability of the director. If the director does not appoint an 8375  
assistant director, the director shall designate a deputy 8376  
director to act as director in the absence or disability of the 8377  
director. 8378

(2) The director, in consultation with the director of 8379  
administrative services, may establish standards of proficiency 8380  
and productivity for commission field representatives. 8381

(D) The director shall request the bureau of criminal 8382  
identification and investigation, the department of public 8383  
safety, or any other state, local, or federal agency to supply 8384  
the director with the criminal records of any job applicant and 8385  
may periodically request the criminal records of commission 8386  
employees. At or prior to the time of making such a request, the 8387  
director shall require a job applicant or commission employee to 8388  
obtain fingerprint cards prescribed by the superintendent of the 8389  
bureau of criminal identification and investigation at a 8390  
qualified law enforcement agency, and the director shall cause 8391  
these fingerprint cards to be forwarded to the bureau of 8392  
criminal identification and investigation and the federal bureau 8393  
of investigation. The commission shall assume the cost of 8394  
obtaining the fingerprint cards and shall pay to each agency 8395  
supplying criminal records for each investigation under this 8396

division a reasonable fee, as determined by the agency. 8397

(E) (1) The director shall license lottery sales agents 8398  
pursuant to section 3770.05 of the Revised Code and, when it is 8399  
considered necessary, may revoke or suspend the license of any 8400  
lottery sales agent. ~~The~~ 8401

(2) Except as provided in division (E) (3) of this section, 8402  
the director may license video lottery technology providers, 8403  
independent testing laboratories, and gaming employees, and 8404  
promulgate rules relating thereto. When the director considers 8405  
it necessary, the director may suspend or revoke the license of 8406  
a video lottery technology provider, independent testing 8407  
laboratory, or gaming employee, including suspension or 8408  
revocation without affording an opportunity for a prior hearing 8409  
under section 119.07 of the Revised Code when the public safety, 8410  
convenience, or trust requires immediate action. 8411

(3) The director shall issue a gaming employee license in 8412  
accordance with section 9.79 of the Revised Code to a gaming 8413  
employee if either of the following applies: 8414

(a) The employee holds a license in another state. 8415

(b) The employee has satisfactory work experience, a 8416  
government certification, or a private certification as 8417  
described in that section as a gaming employee in a state that 8418  
does not issue that license. 8419

(F) The director shall confer at least once each month 8420  
with the commission, at which time the director shall advise it 8421  
regarding the operation and administration of the lottery. The 8422  
director shall make available at the request of the commission 8423  
all documents, files, and other records pertaining to the 8424  
operation and administration of the lottery. The director shall 8425



prepare and make available to the commission each month a 8426  
complete and accurate accounting of lottery revenues, prize 8427  
money disbursements and the cost of goods and services awarded 8428  
as prizes, operating expenses, and all other relevant financial 8429  
information, including an accounting of all transfers made from 8430  
any lottery funds in the custody of the treasurer of state to 8431  
benefit education. 8432

(G) The director may enter into contracts for the 8433  
operation or promotion of the lottery pursuant to Chapter 125. 8434  
of the Revised Code. 8435

(H) (1) Pursuant to rules adopted by the commission under 8436  
section 3770.03 of the Revised Code, the director shall require 8437  
any lottery sales agents to deposit to the credit of the state 8438  
lottery fund, in banking institutions designated by the 8439  
treasurer of state, net proceeds due the commission as 8440  
determined by the director. 8441

(2) Pursuant to rules adopted by the commission under 8442  
Chapter 119. of the Revised Code, the director may impose 8443  
penalties for the failure of a sales agent to transfer funds to 8444  
the commission in a timely manner. Penalties may include 8445  
monetary penalties, immediate suspension or revocation of a 8446  
license, or any other penalty the commission adopts by rule. 8447

(I) The director may arrange for any person, or any 8448  
banking institution, to perform functions and services in 8449  
connection with the operation of the lottery as the director may 8450  
consider necessary to carry out this chapter. 8451

(J) (1) As used in this chapter, "statewide joint lottery 8452  
game" means a lottery game that the commission sells solely 8453  
within this state under an agreement with other lottery 8454

jurisdictions to sell the same lottery game solely within their 8455  
statewide or other jurisdictional boundaries. 8456

(2) If the governor directs the director to do so, the 8457  
director shall enter into an agreement with other lottery 8458  
jurisdictions to conduct statewide joint lottery games. If the 8459  
governor signs the agreement personally or by means of an 8460  
authenticating officer pursuant to section 107.15 of the Revised 8461  
Code, the director then may conduct statewide joint lottery 8462  
games under the agreement. 8463

(3) The entire net proceeds from any statewide joint 8464  
lottery games shall be used to fund elementary, secondary, 8465  
vocational, and special education programs in this state. 8466

(4) The commission shall conduct any statewide joint 8467  
lottery games in accordance with rules it adopts under division 8468  
(B) (5) of section 3770.03 of the Revised Code. 8469

(K) (1) The director shall enter into an agreement with the 8470  
department of mental health and addiction services under which 8471  
the department shall provide a program of gambling addiction 8472  
services on behalf of the commission. The commission shall pay 8473  
the costs of the program provided pursuant to the agreement. 8474

(2) As used in this section, "gambling addiction services" 8475  
has the same meaning as in section 5119.01 of the Revised Code. 8476

**Sec. 3772.13.** (A) No person may be employed as a key 8477  
employee of a casino operator, management company, or holding 8478  
company unless the person is the holder of a valid key employee 8479  
license issued by the commission. 8480

(B) No person may be employed as a key employee of a 8481  
gaming-related vendor unless that person is either the holder of 8482  
a valid key employee license issued by the commission, or the 8483

person, at least five business days prior to the first day of 8484  
employment as a key employee, has filed a notification of 8485  
employment with the commission and subsequently files a 8486  
completed application for a key employee license within the 8487  
first thirty days of employment as a key employee. 8488

(C) Each applicant shall, before the issuance of any key 8489  
employee license, produce information, documentation, and 8490  
assurances as are required by this chapter and rules adopted 8491  
thereunder. In addition, each applicant shall, in writing, 8492  
authorize the examination of all bank accounts and records as 8493  
may be deemed necessary by the commission. 8494

(D) To be eligible for a key employee license, the 8495  
applicant shall be at least twenty-one years of age and shall 8496  
meet the criteria set forth by rule by the commission. 8497

(E) Each application for a key employee license shall be 8498  
on a form prescribed by the commission and shall contain all 8499  
information required by the commission. The applicant shall set 8500  
forth in the application if the applicant has been issued prior 8501  
gambling-related licenses; if the applicant has been licensed in 8502  
any other state under any other name, and, if so, the name under 8503  
which the license was issued and the applicant's age at the time 8504  
the license was issued; any criminal conviction the applicant 8505  
has had; and if a permit or license issued to the applicant in 8506  
any other state has been suspended, restricted, or revoked, and, 8507  
if so, the cause and the duration of each action. The applicant 8508  
also shall complete a cover sheet for the application on which 8509  
the applicant shall disclose the applicant's name, the business 8510  
address of the casino operator, management company, holding 8511  
company, or gaming-related vendor employing the applicant, the 8512  
business address and telephone number of such employer, and the 8513

county, state, and country in which the applicant's residence is 8514  
located. 8515

(F) Each applicant shall submit with each application, on 8516  
a form provided by the commission, two sets of fingerprints and 8517  
a photograph. The commission shall charge each applicant an 8518  
application fee set by the commission to cover all actual costs 8519  
generated by each licensee and all background checks under this 8520  
section and section 3772.07 of the Revised Code. 8521

(G) (1) The casino operator, management company, or holding 8522  
company by whom a person is employed as a key employee shall 8523  
terminate the person's employment in any capacity requiring a 8524  
license under this chapter and shall not in any manner permit 8525  
the person to exercise a significant influence over the 8526  
operation of a casino facility if: 8527

(a) The person does not apply for and receive a key 8528  
employee license within three months of being issued a 8529  
provisional license, as established under commission rule. 8530

(b) The person's application for a key employee license is 8531  
denied by the commission. 8532

(c) The person's key employee license is revoked by the 8533  
commission. 8534

The commission shall notify the casino operator, 8535  
management company, or holding company who employs such a person 8536  
by certified mail of any such finding, denial, or revocation. 8537

(2) A casino operator, management company, or holding 8538  
company shall not pay to a person whose employment is terminated 8539  
under division (G) (1) of this section, any remuneration for any 8540  
services performed in any capacity in which the person is 8541  
required to be licensed, except for amounts due for services 8542

rendered before notice was received under that division. A 8543  
contract or other agreement for personal services or for the 8544  
conduct of any casino gaming at a casino facility between a 8545  
casino operator, management company, or holding company and a 8546  
person whose employment is terminated under division (G)(1) of 8547  
this section may be terminated by the casino operator, 8548  
management company, or holding company without further liability 8549  
on the part of the casino operator, management company, or 8550  
holding company. Any such contract or other agreement is deemed 8551  
to include a term authorizing its termination without further 8552  
liability on the part of the casino operator, management 8553  
company, or holding company upon receiving notice under division 8554  
(G)(1) of this section. That a contract or other agreement does 8555  
not expressly include such a term is not a defense in any action 8556  
brought to terminate the contract or other agreement, and is not 8557  
grounds for relief in any action brought questioning termination 8558  
of the contract or other agreement. 8559

(3) A casino operator, management company, or holding 8560  
company, without having obtained the prior approval of the 8561  
commission, shall not enter into any contract or other agreement 8562  
with a person who has been found unsuitable, who has been denied 8563  
a license, or whose license has been revoked under division (G) 8564  
(1) of this section, or with any business enterprise under the 8565  
control of such a person, after the date on which the casino 8566  
operator, management company, or holding company receives notice 8567  
under that division. 8568

(H) Notwithstanding the requirements for a license under 8569  
this section, the commission shall issue a key employee license 8570  
in accordance with section 9.79 of the Revised Code to an 8571  
applicant if either of the following applies: 8572

(1) The applicant holds a license in another state. 8573

(2) The applicant has satisfactory work experience, a 8574  
government certification, or a private certification as 8575  
described in that section as a key employee of a casino 8576  
operator, management company, or holding company in a state that 8577  
does not issue that license. 8578

**Sec. 3772.131.** (A) All casino gaming employees are 8579  
required to have a casino gaming employee license. "Casino 8580  
gaming employee" means the following and their supervisors: 8581

(1) Individuals involved in operating a casino gaming pit, 8582  
including dealers, shills, clerks, hosts, and junket 8583  
representatives; 8584

(2) Individuals involved in handling money, including 8585  
cashiers, change persons, count teams, and coin wrappers; 8586

(3) Individuals involved in operating casino games; 8587

(4) Individuals involved in operating and maintaining slot 8588  
machines, including mechanics, floor persons, and change and 8589  
payoff persons; 8590

(5) Individuals involved in security, including guards and 8591  
game observers; 8592

(6) Individuals with duties similar to those described in 8593  
divisions (A) (1) to (5) of this section or other persons as the 8594  
commission determines. "Casino gaming employee" does not include 8595  
an individual whose duties are related solely to nongaming 8596  
activities such as entertainment, hotel operation, maintenance, 8597  
or preparing or serving food and beverages. 8598

(B) The commission may issue a casino gaming employee 8599  
license to an applicant after it has determined that the 8600

applicant is eligible for a license under rules adopted by the 8601  
commission and paid any applicable fee. All applications shall 8602  
be made under oath. 8603

(C) To be eligible for a casino gaming employee license, 8604  
an applicant shall be at least twenty-one years of age. 8605

(D) Each application for a casino gaming employee license 8606  
shall be on a form prescribed by the commission and shall 8607  
contain all information required by the commission. The 8608  
applicant shall set forth in the application if the applicant 8609  
has been issued prior gambling-related licenses; if the 8610  
applicant has been licensed in any other state under any other 8611  
name, and, if so, the name under which the license was issued 8612  
and the applicant's age at the time the license was issued; any 8613  
criminal conviction the applicant has had; and if a permit or 8614  
license issued to the applicant in any other state has been 8615  
suspended, restricted, or revoked, and, if so, the cause and the 8616  
duration of each action. 8617

(E) Each applicant shall submit with each application, on 8618  
a form provided by the commission, two sets of the applicant's 8619  
fingerprints and a photograph. The commission shall charge each 8620  
applicant an application fee to cover all actual costs generated 8621  
by each licensee and all background checks. 8622

(F) Notwithstanding the requirements for a license under 8623  
this section, the commission shall issue a casino gaming 8624  
employee license in accordance with section 9.79 of the Revised 8625  
Code to an applicant if either of the following applies: 8626

(1) The applicant holds a license in another state. 8627

(2) The applicant has satisfactory work experience, a 8628  
government certification, or a private certification as 8629

described in that section as a casino gaming employee in a state 8630  
that does not issue that license. 8631

**Sec. 3773.36.** (A) Upon the proper filing of an application 8632  
to conduct any public or private competition that involves 8633  
boxing, mixed martial arts, kick boxing, tough man contests, 8634  
tough guy contests, or any other form of boxing or martial arts, 8635  
accompanied by the surety bond and the application fee, or upon 8636  
the proper filing of an application to conduct any public or 8637  
private competition that involves wrestling accompanied by the 8638  
application fee, the Ohio athletic commission shall issue a 8639  
promoter's license to the applicant if it finds that the 8640  
applicant is not in default on any payment, obligation, or debt 8641  
payable to the state under sections 3773.31 to 3773.57 of the 8642  
Revised Code, is financially responsible, and is knowledgeable 8643  
in the proper conduct of such matches or exhibitions. 8644

(B) Notwithstanding the requirements for a license under 8645  
division (A) of this section, the commission shall issue a 8646  
promoter's license in accordance with section 9.79 of the 8647  
Revised Code to an applicant if either of the following applies: 8648

(1) The applicant holds a license in another state. 8649

(2) The applicant has satisfactory work experience, a 8650  
government certification, or a private certification as 8651  
described in that section as a promoter in a state that does not 8652  
issue that license. 8653

(C) Each license issued pursuant to this section shall 8654  
bear the name of the licensee, the post office address of the 8655  
licensee, the date of expiration, an identification number 8656  
designated by the commission, and the seal of the commission. 8657

(D) A promoter's license shall expire twelve months after 8658



its date of issuance and shall become invalid on that date 8659  
unless renewed. A promoter's license may be renewed upon 8660  
application to the commission and upon payment of the renewal 8661  
fee prescribed in section 3773.43 of the Revised Code. The 8662  
commission shall renew the license unless it denies the 8663  
application for renewal for one or more reasons stated in 8664  
section 3123.47 or 3773.53 of the Revised Code. 8665

**Sec. 3773.421.** ~~A member of the~~ The Ohio athletic 8666  
~~commission may grant~~ shall issue a referee's, judge's, 8667  
matchmaker's, timekeeper's, manager's, trainer's, contestant's, 8668  
or second's ~~license at any time prior to the beginning of a~~ 8669  
~~public boxing match or exhibition in accordance with section~~ 8670  
9.79 of the Revised Code to an applicant ~~from if either of the~~ 8671  
following applies: 8672

(A) The applicant holds a license in another state ~~who~~ 8673  
~~wishes to participate as specified in section 3773.41 of the~~ 8674  
~~Revised Code and who furnishes satisfactory proof to the member~~ 8675  
~~that the applicant holds a license that is not under suspension,~~ 8676  
~~revocation, or other disciplinary action, if the license was~~ 8677  
~~issued by an agency that is similar to the commission, is a~~ 8678  
~~member of the association of boxing commissions, and has~~ 8679  
~~licensing requirements that are at least as stringent as those~~ 8680  
~~established by the commission.~~ 8681

(B) The applicant has satisfactory work experience, a 8682  
government certification, or a private certification as 8683  
described in that section as a referee, judge, matchmaker, 8684  
timekeeper, manager, trainer, contestant, or second in a state 8685  
that does not issue that license. 8686

**Sec. 3774.02.** (A) (1) A fantasy contest operator may not 8687  
offer a fantasy contest in this state without first obtaining a 8688

license from the commission. 8689

(2) The commission shall issue a fantasy contest operator 8690  
license in accordance with section 9.79 of the Revised Code to 8691  
an applicant if either of the following applies: 8692

(a) The applicant holds a license in another state. 8693

(b) The applicant has satisfactory work experience, a 8694  
government certification, or a private certification as 8695  
described in that section as a fantasy contest operator in a 8696  
state that does not issue that license. 8697

(B) (1) In order to obtain or renew a license to operate 8698  
fantasy contests in this state, a fantasy contest operator shall 8699  
pay to the commission a nonrefundable license fee. 8700

(2) Unless a license issued under this chapter is 8701  
suspended, expires, or is revoked, a license may be renewed. 8702  
After a determination by the commission that the licensee is in 8703  
compliance with this chapter and rules adopted by the commission 8704  
under this chapter or division (L) of section 3772.03 of the 8705  
Revised Code, the license shall be renewed for not more than 8706  
three years, as determined by commission rule adopted under this 8707  
chapter or division (L) of section 3772.03 of the Revised Code. 8708

(C) Notwithstanding division (B) of this section, the 8709  
commission may investigate a licensee at any time the commission 8710  
determines it is necessary to ensure that the licensee remains 8711  
in compliance with this chapter and the rules adopted under this 8712  
chapter or division (L) of section 3772.03 of the Revised Code. 8713  
Any fantasy contest operator that applies for or holds a license 8714  
under this chapter shall establish the operator's suitability 8715  
for a license by clear and convincing evidence. 8716

**Sec. 3781.10.** (A) (1) The board of building standards shall 8717

formulate and adopt rules governing the erection, construction, 8718  
repair, alteration, and maintenance of all buildings or classes 8719  
of buildings specified in section 3781.06 of the Revised Code, 8720  
including land area incidental to those buildings, the 8721  
construction of industrialized units, the installation of 8722  
equipment, and the standards or requirements for materials used 8723  
in connection with those buildings. The board shall incorporate 8724  
those rules into separate residential and nonresidential 8725  
building codes. The standards shall relate to the conservation 8726  
of energy and the safety and sanitation of those buildings. 8727

(2) The rules governing nonresidential buildings are the 8728  
lawful minimum requirements specified for those buildings and 8729  
industrialized units, except that no rule other than as provided 8730  
in division (C) of section 3781.108 of the Revised Code that 8731  
specifies a higher requirement than is imposed by any section of 8732  
the Revised Code is enforceable. The rules governing residential 8733  
buildings are uniform requirements for residential buildings in 8734  
any area with a building department certified to enforce the 8735  
state residential building code. In no case shall any local code 8736  
or regulation differ from the state residential building code 8737  
unless that code or regulation addresses subject matter not 8738  
addressed by the state residential building code or is adopted 8739  
pursuant to section 3781.01 of the Revised Code. 8740

(3) The rules adopted pursuant to this section are 8741  
complete, lawful alternatives to any requirements specified for 8742  
buildings or industrialized units in any section of the Revised 8743  
Code. Except as otherwise provided in division (I) of this 8744  
section, the board shall, on its own motion or on application 8745  
made under sections 3781.12 and 3781.13 of the Revised Code, 8746  
formulate, propose, adopt, modify, amend, or repeal the rules to 8747  
the extent necessary or desirable to effectuate the purposes of 8748

sections 3781.06 to 3781.18 of the Revised Code. 8749

(B) The board shall report to the general assembly 8750  
proposals for amendments to existing statutes relating to the 8751  
purposes declared in section 3781.06 of the Revised Code that 8752  
public health and safety and the development of the arts require 8753  
and shall recommend any additional legislation to assist in 8754  
carrying out fully, in statutory form, the purposes declared in 8755  
that section. The board shall prepare and submit to the general 8756  
assembly a summary report of the number, nature, and disposition 8757  
of the petitions filed under sections 3781.13 and 3781.14 of the 8758  
Revised Code. 8759

(C) On its own motion or on application made under 8760  
sections 3781.12 and 3781.13 of the Revised Code, and after 8761  
thorough testing and evaluation, the board shall determine by 8762  
rule that any particular fixture, device, material, process of 8763  
manufacture, manufactured unit or component, method of 8764  
manufacture, system, or method of construction complies with 8765  
performance standards adopted pursuant to section 3781.11 of the 8766  
Revised Code. The board shall make its determination with regard 8767  
to adaptability for safe and sanitary erection, use, or 8768  
construction, to that described in any section of the Revised 8769  
Code, wherever the use of a fixture, device, material, method of 8770  
manufacture, system, or method of construction described in that 8771  
section of the Revised Code is permitted by law. The board shall 8772  
amend or annul any rule or issue an authorization for the use of 8773  
a new material or manufactured unit on any like application. No 8774  
department, officer, board, or commission of the state other 8775  
than the board of building standards or the board of building 8776  
appeals shall permit the use of any fixture, device, material, 8777  
method of manufacture, newly designed product, system, or method 8778  
of construction at variance with what is described in any rule 8779

the board of building standards adopts or issues or that is 8780  
authorized by any section of the Revised Code. Nothing in this 8781  
section shall be construed as requiring approval, by rule, of 8782  
plans for an industrialized unit that conforms with the rules 8783  
the board of building standards adopts pursuant to section 8784  
3781.11 of the Revised Code. 8785

(D) The board shall recommend rules, codes, and standards 8786  
to help carry out the purposes of section 3781.06 of the Revised 8787  
Code and to help secure uniformity of state administrative 8788  
rulings and local legislation and administrative action to the 8789  
bureau of workers' compensation, the director of commerce, any 8790  
other department, officer, board, or commission of the state, 8791  
and to legislative authorities and building departments of 8792  
counties, townships, and municipal corporations, and shall 8793  
recommend that they audit those recommended rules, codes, and 8794  
standards by any appropriate action that they are allowed 8795  
pursuant to law or the constitution. 8796

(E) (1) The board shall certify municipal, township, and 8797  
county building departments, the personnel of those building 8798  
departments, persons described in division (E) (7) of this 8799  
section, and employees of individuals, firms, the state, or 8800  
corporations described in division (E) (7) of this section to 8801  
exercise enforcement authority, to accept and approve plans and 8802  
specifications, and to make inspections, pursuant to sections 8803  
3781.03, 3791.04, and 4104.43 of the Revised Code. 8804

(2) The board shall certify departments, personnel, and 8805  
persons to enforce the state residential building code, to 8806  
enforce the nonresidential building code, or to enforce both the 8807  
residential and the nonresidential building codes. Any 8808  
department, personnel, or person may enforce only the type of 8809

building code for which certified. 8810

(3) The board shall not require a building department, its 8811  
personnel, or any persons that it employs to be certified for 8812  
residential building code enforcement if that building 8813  
department does not enforce the state residential building code. 8814  
The board shall specify, in rules adopted pursuant to Chapter 8815  
119. of the Revised Code, the requirements for certification for 8816  
residential and nonresidential building code enforcement, which 8817  
shall be consistent with this division. The requirements for 8818  
residential and nonresidential certification may differ. Except 8819  
as otherwise provided in this division, the requirements shall 8820  
include, but are not limited to, the satisfactory completion of 8821  
an initial examination and, to remain certified, the completion 8822  
of a specified number of hours of continuing building code 8823  
education within each three-year period following the date of 8824  
certification which shall be not less than thirty hours. The 8825  
rules shall provide that continuing education credits and 8826  
certification issued by the council of American building 8827  
officials, national model code organizations, and agencies or 8828  
entities the board recognizes are acceptable for purposes of 8829  
this division. The rules shall specify requirements that are 8830  
consistent with the provisions of section 5903.12 of the Revised 8831  
Code relating to active duty military service and are 8832  
compatible, to the extent possible, with requirements the 8833  
council of American building officials and national model code 8834  
organizations establish. 8835

(4) The board shall establish and collect a certification 8836  
and renewal fee for building department personnel, and persons 8837  
and employees of persons, firms, or corporations as described in 8838  
this section, who are certified pursuant to this division. 8839

(5) Any individual certified pursuant to this division 8840  
shall complete the number of hours of continuing building code 8841  
education that the board requires or, for failure to do so, 8842  
forfeit certification. 8843

(6) This division does not require or authorize the board 8844  
to certify personnel of municipal, township, and county building 8845  
departments, and persons and employees of persons, firms, or 8846  
corporations as described in this section, whose 8847  
responsibilities do not include the exercise of enforcement 8848  
authority, the approval of plans and specifications, or making 8849  
inspections under the state residential and nonresidential 8850  
building codes. 8851

(7) Enforcement authority for approval of plans and 8852  
specifications and enforcement authority for inspections may be 8853  
exercised, and plans and specifications may be approved and 8854  
inspections may be made on behalf of a municipal corporation, 8855  
township, or county, by any of the following who the board of 8856  
building standards certifies: 8857

(a) Officers or employees of the municipal corporation, 8858  
township, or county; 8859

(b) Persons, or employees of persons, firms, or 8860  
corporations, pursuant to a contract to furnish architectural, 8861  
engineering, or other services to the municipal corporation, 8862  
township, or county; 8863

(c) Officers or employees of, and persons under contract 8864  
with, a municipal corporation, township, county, health 8865  
district, or other political subdivision, pursuant to a contract 8866  
to furnish architectural, engineering, or other services; 8867

(d) Officers or employees of the division of industrial 8868

compliance in the department of commerce pursuant to a contract 8869  
authorized by division (B) of section 121.083 of the Revised 8870  
Code. 8871

(8) Municipal, township, and county building departments 8872  
have jurisdiction within the meaning of sections 3781.03, 8873  
3791.04, and 4104.43 of the Revised Code, only with respect to 8874  
the types of buildings and subject matters for which they are 8875  
certified under this section. 8876

(9) A certified municipal, township, or county building 8877  
department may exercise enforcement authority, accept and 8878  
approve plans and specifications, and make inspections pursuant 8879  
to sections 3781.03, 3791.04, and 4104.43 of the Revised Code 8880  
for a park district created pursuant to Chapter 1545. of the 8881  
Revised Code upon the approval, by resolution, of the board of 8882  
park commissioners of the park district requesting the 8883  
department to exercise that authority and conduct those 8884  
activities, as applicable. 8885

(10) Certification shall be granted upon application by 8886  
the municipal corporation, the board of township trustees, or 8887  
the board of county commissioners and approval of that 8888  
application by the board of building standards. The application 8889  
shall set forth: 8890

(a) Whether the certification is requested for residential 8891  
or nonresidential buildings, or both; 8892

(b) The number and qualifications of the staff composing 8893  
the building department; 8894

(c) The names, addresses, and qualifications of persons, 8895  
firms, or corporations contracting to furnish work or services 8896  
pursuant to division (E) (7) (b) of this section; 8897



(d) The names of any other municipal corporation, 8898  
township, county, health district, or political subdivision 8899  
under contract to furnish work or services pursuant to division 8900  
(E) (7) of this section; 8901

(e) The proposed budget for the operation of the building 8902  
department. 8903

(11) The board of building standards shall adopt rules 8904  
governing all of the following: 8905

(a) The certification of building department personnel and 8906  
persons and employees of persons, firms, or corporations 8907  
exercising authority pursuant to division (E) (7) of this 8908  
section. The rules shall disqualify any employee of the 8909  
department or person who contracts for services with the 8910  
department from performing services for the department when that 8911  
employee or person would have to pass upon, inspect, or 8912  
otherwise exercise authority over any labor, material, or 8913  
equipment the employee or person furnishes for the construction, 8914  
alteration, or maintenance of a building or the preparation of 8915  
working drawings or specifications for work within the 8916  
jurisdictional area of the department. The department shall 8917  
provide other similarly qualified personnel to enforce the 8918  
residential and nonresidential building codes as they pertain to 8919  
that work. 8920

(b) The minimum services to be provided by a certified 8921  
building department. 8922

(12) The board of building standards may revoke or suspend 8923  
certification to enforce the residential and nonresidential 8924  
building codes, on petition to the board by any person affected 8925  
by that enforcement or approval of plans, or by the board on its 8926

own motion. Hearings shall be held and appeals permitted on any 8927  
proceedings for certification or revocation or suspension of 8928  
certification in the same manner as provided in section 3781.101 8929  
of the Revised Code for other proceedings of the board of 8930  
building standards. 8931

(13) Upon certification, and until that authority is 8932  
revoked, any county or township building department shall 8933  
enforce the residential and nonresidential building codes for 8934  
which it is certified without regard to limitation upon the 8935  
authority of boards of county commissioners under Chapter 307. 8936  
of the Revised Code or boards of township trustees under Chapter 8937  
505. of the Revised Code. 8938

(14) The board shall certify a person to exercise 8939  
enforcement authority, to accept and approve plans and 8940  
specifications, or to make inspections in this state in 8941  
accordance with section 9.79 of the Revised Code if either of 8942  
the following applies: 8943

(a) The person holds a license or certificate in another 8944  
state. 8945

(b) The person has satisfactory work experience, a 8946  
government certification, or a private certification as 8947  
described in that section in the same profession, occupation, or 8948  
occupational activity as the profession, occupation, or 8949  
occupational activity for which the certificate is required in 8950  
this state in a state that does not issue that license or 8951  
certificate. 8952

(F) In addition to hearings sections 3781.06 to 3781.18 8953  
and 3791.04 of the Revised Code require, the board of building 8954  
standards shall make investigations and tests, and require from 8955

other state departments, officers, boards, and commissions 8956  
information the board considers necessary or desirable to assist 8957  
it in the discharge of any duty or the exercise of any power 8958  
mentioned in this section or in sections 3781.06 to 3781.18, 8959  
3791.04, and 4104.43 of the Revised Code. 8960

(G) The board shall adopt rules and establish reasonable 8961  
fees for the review of all applications submitted where the 8962  
applicant applies for authority to use a new material, assembly, 8963  
or product of a manufacturing process. The fee shall bear some 8964  
reasonable relationship to the cost of the review or testing of 8965  
the materials, assembly, or products and for the notification of 8966  
approval or disapproval as provided in section 3781.12 of the 8967  
Revised Code. 8968

(H) The residential construction advisory committee shall 8969  
provide the board with a proposal for a state residential 8970  
building code that the committee recommends pursuant to division 8971  
(D) (1) of section 4740.14 of the Revised Code. Upon receiving a 8972  
recommendation from the committee that is acceptable to the 8973  
board, the board shall adopt rules establishing that code as the 8974  
state residential building code. 8975

(I) (1) The committee may provide the board with proposed 8976  
rules to update or amend the state residential building code 8977  
that the committee recommends pursuant to division (E) of 8978  
section 4740.14 of the Revised Code. 8979

(2) If the board receives a proposed rule to update or 8980  
amend the state residential building code as provided in 8981  
division (I) (1) of this section, the board either may accept or 8982  
reject the proposed rule for incorporation into the residential 8983  
building code. If the board does not act to either accept or 8984  
reject the proposed rule within ninety days after receiving the 8985

proposed rule from the committee as described in division (I) (1) 8986  
of this section, the proposed rule shall become part of the 8987  
residential building code. 8988

(J) The board shall cooperate with the director of job and 8989  
family services when the director promulgates rules pursuant to 8990  
section 5104.05 of the Revised Code regarding safety and 8991  
sanitation in type A family day-care homes. 8992

(K) The board shall adopt rules to implement the 8993  
requirements of section 3781.108 of the Revised Code. 8994

**Sec. 3781.102.** (A) Any county or municipal building 8995  
department certified pursuant to division (E) of section 3781.10 8996  
of the Revised Code as of September 14, 1970, and that, as of 8997  
that date, was inspecting single-family, two-family, and three- 8998  
family residences, and any township building department 8999  
certified pursuant to division (E) of section 3781.10 of the 9000  
Revised Code, is hereby declared to be certified to inspect 9001  
single-family, two-family, and three-family residences 9002  
containing industrialized units, and shall inspect the buildings 9003  
or classes of buildings subject to division (E) of section 9004  
3781.10 of the Revised Code. 9005

(B) Each board of county commissioners may adopt, by 9006  
resolution, rules establishing standards and providing for the 9007  
licensing of electrical and heating, ventilating, and air 9008  
conditioning contractors who are not required to hold a valid 9009  
and unexpired license pursuant to Chapter 4740. of the Revised 9010  
Code. 9011

Rules adopted by a board of county commissioners pursuant 9012  
to this division may be enforced within the unincorporated areas 9013  
of the county and within any municipal corporation where the 9014

legislative authority of the municipal corporation has 9015  
contracted with the board for the enforcement of the county 9016  
rules within the municipal corporation pursuant to section 9017  
307.15 of the Revised Code. The rules shall not conflict with 9018  
rules adopted by the board of building standards pursuant to 9019  
section 3781.10 of the Revised Code or by the department of 9020  
commerce pursuant to Chapter 3703. of the Revised Code. This 9021  
division does not impair or restrict the power of municipal 9022  
corporations under Section 3 of Article XVIII, Ohio 9023  
Constitution, to adopt rules concerning the erection, 9024  
construction, repair, alteration, and maintenance of buildings 9025  
and structures or of establishing standards and providing for 9026  
the licensing of specialty contractors pursuant to section 9027  
715.27 of the Revised Code. 9028

A board of county commissioners, pursuant to this 9029  
division, may require all electrical contractors and heating, 9030  
ventilating, and air conditioning contractors, other than those 9031  
who hold a valid and unexpired license issued pursuant to 9032  
Chapter 4740. of the Revised Code, to successfully complete an 9033  
examination, test, or demonstration of technical skills, and may 9034  
impose a fee and additional requirements for a license to engage 9035  
in their respective occupations within the jurisdiction of the 9036  
board's rules under this division. 9037

(C) No board of county commissioners shall require any 9038  
specialty contractor who holds a valid and unexpired license 9039  
issued pursuant to Chapter 4740. of the Revised Code to 9040  
successfully complete an examination, test, or demonstration of 9041  
technical skills in order to engage in the type of contracting 9042  
for which the license is held, within the unincorporated areas 9043  
of the county and within any municipal corporation whose 9044  
legislative authority has contracted with the board for the 9045

enforcement of county regulations within the municipal 9046  
corporation, pursuant to section 307.15 of the Revised Code. 9047

(D) A board may impose a fee for registration of a 9048  
specialty contractor who holds a valid and unexpired license 9049  
issued pursuant to Chapter 4740. of the Revised Code before that 9050  
specialty contractor may engage in the type of contracting for 9051  
which the license is held within the unincorporated areas of the 9052  
county and within any municipal corporation whose legislative 9053  
authority has contracted with the board for the enforcement of 9054  
county regulations within the municipal corporation, pursuant to 9055  
section 307.15 of the Revised Code, provided that the fee is the 9056  
same for all specialty contractors who wish to engage in that 9057  
type of contracting. If a board imposes such a fee, the board 9058  
immediately shall permit a specialty contractor who presents 9059  
proof of holding a valid and unexpired license and pays the 9060  
required fee to engage in the type of contracting for which the 9061  
license is held within the unincorporated areas of the county 9062  
and within any municipal corporation whose legislative authority 9063  
has contracted with the board for the enforcement of county 9064  
regulations within the municipal corporation, pursuant to 9065  
section 307.15 of the Revised Code. 9066

(E) The political subdivision associated with each 9067  
municipal, township, and county building department the board of 9068  
building standards certifies pursuant to division (E) of section 9069  
3781.10 of the Revised Code may prescribe fees to be paid by 9070  
persons, political subdivisions, or any department, agency, 9071  
board, commission, or institution of the state, for the 9072  
acceptance and approval of plans and specifications, and for the 9073  
making of inspections, pursuant to sections 3781.03 and 3791.04 9074  
of the Revised Code. 9075

(F) Each political subdivision that prescribes fees 9076  
pursuant to division (E) of this section shall collect, on 9077  
behalf of the board of building standards, fees equal to the 9078  
following: 9079

(1) Three per cent of the fees the political subdivision 9080  
collects in connection with nonresidential buildings; 9081

(2) One per cent of the fees the political subdivision 9082  
collects in connection with residential buildings. 9083

(G) (1) The board shall adopt rules, in accordance with 9084  
Chapter 119. of the Revised Code, specifying the manner in which 9085  
the fee assessed pursuant to division (F) of this section shall 9086  
be collected and remitted monthly to the board. The board shall 9087  
pay the fees into the state treasury to the credit of the 9088  
industrial compliance operating fund created in section 121.084 9089  
of the Revised Code. 9090

(2) All money credited to the industrial compliance 9091  
operating fund under this division shall be used exclusively for 9092  
the following: 9093

(a) Operating costs of the board; 9094

(b) Providing services, including educational programs, 9095  
for the building departments that are certified by the board 9096  
pursuant to division (E) of section 3781.10 of the Revised Code; 9097

(c) Paying the expenses of the residential construction 9098  
advisory committee, including the expenses of committee members 9099  
as provided in section 4740.14 of the Revised Code. 9100

(H) A board of county commissioners that adopts rules 9101  
providing for the licensing of electrical and heating, 9102  
ventilating, and air conditioning contractors, pursuant to 9103

division (B) of this section, may accept, for purposes of 9104  
satisfying the requirements of rules adopted under that 9105  
division, a valid and unexpired license issued pursuant to 9106  
Chapter 4740. of the Revised Code that is held by an electrical 9107  
or heating, ventilating, and air conditioning contractor, for 9108  
the construction, replacement, maintenance, or repair of one- 9109  
family, two-family, or three-family dwelling houses or accessory 9110  
structures incidental to those dwelling houses. 9111

(I) A board of county commissioners shall not register a 9112  
specialty contractor who is required to hold a license under 9113  
Chapter 4740. of the Revised Code but does not hold a valid 9114  
license issued under that chapter. 9115

(J) If a board of county commissioners regulates a 9116  
profession, occupation, or occupational activity under this 9117  
section, the board shall comply with section 9.79 of the Revised 9118  
Code. 9119

(K) As used in this section, "specialty contractor" means 9120  
a heating, ventilating, and air conditioning contractor, 9121  
refrigeration contractor, electrical contractor, plumbing 9122  
contractor, or hydronics contractor, as those contractors are 9123  
described in Chapter 4740. of the Revised Code. 9124

**Sec. 3781.105.** (A) The board of building standards shall 9125  
certify individuals who design fire protection systems for 9126  
buildings and who meet the requirements specified in this 9127  
section. The board may establish separate certification 9128  
categories for specific types of fire protection systems. 9129

(B) Any individual who wishes to obtain certification 9130  
shall make application to the board on a form prescribed by the 9131  
board. The application shall be accompanied by an application 9132



fee and an initial certification fee. The initial certification 9133  
fee shall be refunded if the applicant fails to obtain 9134  
certification. Certification may be renewed annually upon 9135  
payment of a renewal fee. 9136

Fees required to be paid under this division shall be 9137  
established by rule adopted by the board. The application fee 9138  
shall bear a reasonable relationship to processing the 9139  
individual's application, the certification fee shall bear a 9140  
reasonable relationship to certifying the individual, and the 9141  
certification renewal fee shall bear a reasonable relationship 9142  
to renewing the individual's certification. 9143

(C) Each applicant shall submit evidence satisfactory to 9144  
the board that the applicant has directly engaged in designing 9145  
and preparing drawings for the category of the type of fire 9146  
protection system for which the applicant seeks certification. 9147

(D) The board shall certify any qualified applicant who 9148  
passes an examination prescribed either by the board or by the 9149  
national institute for certification in engineering 9150  
technologies. The examination shall demonstrate the applicant's 9151  
knowledge and understanding of the category of the type of fire 9152  
protection system for which the applicant seeks certification. 9153

(E) The board, after a hearing in accordance with Chapter 9154  
119. of the Revised Code, may suspend or revoke any category of 9155  
certification of any individual who proves at any time to be 9156  
incompetent to submit and certify plans and specifications for 9157  
that category to the appropriate building department under 9158  
section 3791.04 of the Revised Code, and may suspend or revoke 9159  
all categories of certification of any individual who engages in 9160  
any illegal or fraudulent acts in connection with the design of 9161  
fire protection systems. 9162

~~(H)~~ (F) The board may adopt rules in accordance with 9163  
Chapter 119. of the Revised Code for the administration and 9164  
enforcement of this section. 9165

(G) Notwithstanding any other provision of this section to 9166  
the contrary, the board shall certify an applicant in accordance 9167  
with section 9.79 of the Revised Code if either of the following 9168  
applies: 9169

(1) The applicant is licensed or certified in another 9170  
state. 9171

(2) The applicant has satisfactory work experience, a 9172  
government certification, or a private certification as 9173  
described in that section as a designer of fire protection 9174  
systems in a state that does not issue that license or 9175  
certificate. 9176

**Sec. 3905.041.** ~~(A)(1) An~~ The superintendent of insurance 9177  
shall issue an insurance agent license to an individual who 9178  
applies for a ~~resident~~ an insurance agent license in this state 9179  
within ninety days after establishing a principal place of 9180  
residence ~~or principal place of business~~ in this state ~~shall not~~ 9181  
~~be required under~~ in accordance with section 3905.04 ~~9.79~~ of the 9182  
Revised Code ~~to complete a program of insurance education or to~~ 9183  
~~pass a written examination if the individual has paid all~~ 9184  
~~applicable fees required under this chapter and if either of the~~ 9185  
following applies: 9186

~~(a)~~ (A) The individual is currently licensed in another 9187  
state ~~and is in good standing for the line or lines of authority~~ 9188  
~~requested. 9189~~

~~(b) The individual was previously licensed in another 9190~~  
~~state, the individual's application for a resident insurance 9191~~

~~agent license in this state is received within ninety days after~~ 9192  
~~the cancellation of the individual's previous license, and, at~~ 9193  
~~the time of license cancellation, the individual was in good~~ 9194  
~~standing for the line or lines of authority requested.~~ 9195

~~(2) To determine an applicant's licensure status and~~ 9196  
~~standing in another state, the superintendent of insurance may~~ 9197  
~~utilize the producer database maintained by the NAIC or its~~ 9198  
~~affiliates or subsidiaries. If that information is not available~~ 9199  
~~on the producer database, the superintendent may require~~ 9200  
~~documentation from the prior home state.~~ 9201

~~(B) An individual who applies for a temporary insurance~~ 9202  
~~agent license in this state shall not be required under section~~ 9203  
~~3905.04 of the Revised Code to complete any prelicensing~~ 9204  
~~education or to pass a written examination.~~ 9205

~~(C) The superintendent may exempt any limited lines~~ 9206  
~~insurance from the examination requirement of section 3905.04 of~~ 9207  
~~the Revised Code~~ 9208

(B) The individual has satisfactory work experience, a 9209  
government certification, or a private certification as 9210  
described in that section as an insurance agent in a state that 9211  
does not issue that license. 9212

**Sec. 3905.062.** (A) As used in this section: 9213

(1) "Customer" means a person who purchases portable 9214  
electronics or services. 9215

(2) "Enrolled customer" means a customer who elects 9216  
coverage under a portable electronics insurance policy issued to 9217  
a vendor of portable electronics by an insurer. 9218

(3) "Endorsee" means an employee or authorized 9219

representative of a vendor authorized to sell or offer portable 9220  
electronics insurance. 9221

(4) "Location" means any physical location in this state 9222  
or any web site, call center site, or similar location directed 9223  
to residents of this state. 9224

(5) "Portable electronics" means a personal, self- 9225  
contained, battery-operated electronic communication, viewing, 9226  
listening, recording, gaming, computing, or global positioning 9227  
device that is easily carried by an individual, including a 9228  
cellular or satellite telephone; pager; personal global 9229  
positioning satellite unit; portable computer; portable audio 9230  
listening, video viewing or recording device; digital camera; 9231  
video camcorder; portable gaming system; docking station; 9232  
automatic answering device; and any other similar device, and 9233  
any accessory related to the use of the device. 9234

(6) "Portable electronics insurance" means insurance 9235  
providing coverage for the repair or replacement of portable 9236  
electronics, which may be offered on a month-to-month or other 9237  
periodic basis as a group or master commercial inland marine 9238  
policy issued to a vendor by an insurer, and may cover portable 9239  
electronics against loss, theft, inoperability due to mechanical 9240  
failure, malfunction, damage, or other applicable perils. 9241  
"Portable electronics insurance" does not mean any of the 9242  
following: 9243

(a) A consumer goods service contract governed by section 9244  
3905.423 of the Revised Code; 9245

(b) A policy of insurance covering a seller's or a 9246  
manufacturer's obligations under a warranty; 9247

(c) A homeowner's, renter's, private passenger automobile, 9248

commercial multi-peril, or similar insurance policy. 9249

(7) "Portable electronics transaction" means the sale or 9250  
lease of portable electronics by a vendor to a customer or the 9251  
sale of a service related to the use of portable electronics by 9252  
a vendor to a customer. 9253

(8) "Supervising entity" means an insurer or a business 9254  
entity licensed as an insurance agent under section 3905.06 of 9255  
the Revised Code that is appointed by an insurer to supervise 9256  
the administration of a portable electronics insurance program. 9257

(9) "Vendor" means a person in the business of engaging in 9258  
portable electronics transactions directly or indirectly. 9259

(B)(1) Except as provided in division (B)(2) of this 9260  
section, no vendor or vendor's employee shall offer, sell, 9261  
solicit, or place portable electronics insurance unless the 9262  
vendor is licensed under section 3905.041, 3905.06, or ~~3905.07~~ 9263  
3905.08 of the Revised Code with a portable electronics 9264  
insurance line of authority. 9265

(2) Any vendor offering or selling portable electronics 9266  
insurance on or before ~~the effective date of this section~~ March 9267  
22, 2012, that wishes to continue offering or selling that 9268  
insurance shall apply for a license within ninety days after the 9269  
superintendent of insurance makes the application available. 9270

(C)(1) The superintendent shall issue a resident business 9271  
entity license to a vendor under section 3905.06 of the Revised 9272  
Code if the vendor satisfies the requirements of sections 9273  
3905.05 and 3905.06 of the Revised Code, except that the 9274  
application for a portable electronics insurance license shall 9275  
satisfy the following additional requirements: 9276

(a) The application shall include the location of the 9277

vendor's home office. 9278

(b) If the application requires the vendor to designate an 9279  
individual or entity as a responsible insurance agent, that 9280  
agent shall not be required to be an employee of the applicant 9281  
and may be the supervising entity or an individual agent who is 9282  
an employee of the supervising entity. 9283

(c) If the vendor derives less than fifty per cent of the 9284  
vendor's revenue from the sale of portable electronics 9285  
insurance, the application for a portable electronics insurance 9286  
license may require the vendor to provide the name, residence 9287  
address, and other information required by the superintendent 9288  
for one employee or officer of the vendor who is designated by 9289  
the vendor as the person responsible for the vendor's compliance 9290  
with the requirements of this chapter. 9291

(d) If the vendor derives fifty per cent or more of the 9292  
vendor's revenue from the sale of portable electronics 9293  
insurance, the application may require the information listed 9294  
under division (C)(1)(c) of this section for all owners with at 9295  
least ten per cent interest or voting interest, partners, 9296  
officers, and directors of the vendor, or members or managers of 9297  
a vendor that is a limited liability company. 9298

(2) The superintendent shall issue a nonresident business 9299  
entity license to a vendor if the vendor satisfies the 9300  
requirements of section 3905.07 of the Revised Code. However, if 9301  
the nonresident vendor's home state does not issue a limited 9302  
lines license for portable electronics insurance, the 9303  
nonresident vendor may apply for a resident license under 9304  
section 3905.06 of the Revised Code in the same manner and with 9305  
the same rights and privileges as if the vendor were a resident 9306  
of this state. 9307

(D) The holder of a limited lines license may not sell, 9308  
solicit, or negotiate insurance on behalf of any insurer unless 9309  
appointed to represent that insurer under section 3905.20 of the 9310  
Revised Code. 9311

(E) Division (B) (34) of section 3905.14 of the Revised 9312  
Code shall not apply to portable electronics vendors or the 9313  
vendors' endorsees. 9314

(F) (1) A vendor may authorize any endorsee of the vendor 9315  
to sell or offer portable electronics insurance to a customer at 9316  
any location at which the vendor engages in portable electronics 9317  
transactions. 9318

(2) An endorsee is not required to be licensed as an 9319  
insurance agent under this chapter if the vendor is licensed 9320  
under this section and the insurer issuing the portable 9321  
electronics insurance either directly supervises or appoints a 9322  
supervising entity to supervise the administration of the 9323  
portable electronics insurance program including development of 9324  
a training program for endorsees in accordance with division (G) 9325  
of this section. 9326

(3) No endorsee shall do any of the following: 9327

(a) Advertise, represent, or otherwise represent the 9328  
endorsee's self as an insurance agent licensed under section 9329  
3905.06 of the Revised Code; 9330

(b) Offer, sell, or solicit the purchase of portable 9331  
electronics insurance except in conjunction with and incidental 9332  
to the sale or lease of portable electronics; 9333

(c) Make any statement or engage in any conduct, express 9334  
or implied, that would lead a customer to believe any of the 9335  
following: 9336

(i) That the insurance policies offered by the endorsee 9337  
provide coverage not already provided by a customer's 9338  
homeowner's insurance policy, renter's insurance policy, or by 9339  
another source of coverage; 9340

(ii) That the purchase by the customer of portable 9341  
electronics insurance is required in order to purchase or lease 9342  
portable electronics or services from the portable electronics 9343  
vendor; 9344

(iii) That the portable electronics vendor or its 9345  
endorsees are qualified to evaluate the adequacy of the 9346  
customer's existing insurance coverage. 9347

(G) Each vendor, or the supervising entity to that vendor, 9348  
shall provide a training and education program for all endorsees 9349  
who sell or offer portable electronics insurance. The program 9350  
may be provided as a web-based training module or in any other 9351  
electronic or recorded video form. The training and education 9352  
program shall meet all of the following minimum standards: 9353

(1) The training shall be delivered to each endorsee of 9354  
each vendor who sells or offers portable electronics insurance 9355  
and the endorsee shall complete the training; 9356

(2) If the training is conducted in an electronic form, 9357  
the supervising entity shall implement a supplemental education 9358  
program regarding portable electronics insurance that is 9359  
conducted and overseen by employees of the supervising entity 9360  
who are licensed as insurance agents under section 3905.06 of 9361  
the Revised Code; 9362

(3) The training and education program shall include basic 9363  
information about portable electronics insurance and information 9364  
concerning all of the following prohibited actions of endorsees: 9365



(a) No endorsee shall advertise, represent, or otherwise 9366  
represent the endorsee's self as a licensed insurance agent. 9367

(b) No endorsee shall offer, sell, or solicit the purchase 9368  
of portable electronics insurance except in conjunction with and 9369  
incidental to the sale or lease of portable electronics. 9370

(c) No endorsee shall make any statement or engage in any 9371  
conduct, express or implied, that would lead a customer to 9372  
believe any of the following: 9373

(i) That the insurance policies offered by the endorsee 9374  
provide coverage not already provided by a customer's 9375  
homeowner's insurance policy, renter's insurance policy, or by 9376  
another source of coverage; 9377

(ii) That the purchase by the customer of portable 9378  
electronics insurance is required in order to purchase or lease 9379  
portable electronics or services from the portable electronics 9380  
vendor; 9381

(iii) That the portable electronics vendor or its 9382  
endorsees are qualified to evaluate the adequacy of the 9383  
customer's existing insurance coverage. 9384

(H) A supervising entity appointed to supervise the 9385  
administration of a portable electronics insurance program under 9386  
division (F) (2) of this section shall maintain a registry of 9387  
locations supervised by that entity that are authorized to sell 9388  
or solicit portable electronics insurance in this state. The 9389  
supervising entity shall make the registry available to the 9390  
superintendent upon request by the superintendent if the 9391  
superintendent provides ten days' notice to the vendor or 9392  
supervising entity. 9393

(I) At every location where a vendor offers portable 9394

electronics insurance to customers, the vendor shall provide 9395  
brochures or other written materials to prospective customers 9396  
that include all of the following: 9397

(1) A summary of the material terms of the insurance 9398  
coverage, including all of the following: 9399

(a) The identity of the insurer; 9400

(b) The identity of the supervising entity; 9401

(c) The amount of any applicable deductible and how it is 9402  
to be paid; 9403

(d) Benefits of the coverage; 9404

(e) Key terms and conditions of coverage such as whether 9405  
portable electronics may be replaced with a similar make and 9406  
model, replaced with a reconditioned device, or repaired with 9407  
nonoriginal manufacturer parts or equipment. 9408

(2) A summary of the process for filing a claim, including 9409  
a description of how to return portable electronics equipment 9410  
and the maximum fee applicable if a customer fails to comply 9411  
with any equipment return requirements; 9412

(3) A disclosure that portable electronics insurance may 9413  
provide a duplication of coverage already provided by a 9414  
customer's homeowner's insurance policy, renter's insurance 9415  
policy, or other source of coverage; 9416

(4) A disclosure that the enrollment by the customer in a 9417  
portable electronics insurance program is not required to 9418  
purchase or lease portable electronics or services; 9419

(5) A disclosure that neither the endorsee nor the vendor 9420  
is qualified to evaluate the adequacy of the customer's existing 9421

insurance coverage; 9422

(6) A disclosure that the customer may cancel enrollment 9423  
for coverage under a portable electronics insurance policy at 9424  
any time and receive a refund of any applicable premium. 9425

(J) (1) The charges for portable electronics insurance may 9426  
be billed and collected by the vendor of portable electronics, 9427  
and the vendor may receive compensation for performing billing 9428  
and collection services, if either of the following conditions 9429  
are met: 9430

(a) If the charge to the customer for coverage is not 9431  
included in the cost associated with the purchase or lease of 9432  
portable electronics or related services, the charge for 9433  
coverage is separately itemized on the customer's bill. 9434

(b) If the charge to the customer for coverage is included 9435  
in the cost associated with the purchase or lease of portable 9436  
electronics or related services, the vendor clearly and 9437  
conspicuously discloses to the customer that the charge for 9438  
portable electronics insurance coverage is included with the 9439  
charge for portable electronics or related services. 9440

(2) All funds received by a vendor from a customer for the 9441  
sale of portable electronics insurance shall be considered funds 9442  
held in trust by the vendor in a fiduciary capacity for the 9443  
benefit of the insurer. Vendors that bill and collect such 9444  
charges are not required to maintain those funds in a segregated 9445  
account if the vendor is authorized by the insurer to hold those 9446  
funds in an alternate manner and the vendor remits the amount of 9447  
the charges to the supervising entity within sixty days after 9448  
receiving the charges. 9449

(K) (1) Except as otherwise provided in divisions (K) (2) 9450

and (3) of this section, an insurer may terminate or otherwise 9451  
change the terms and conditions of a policy of portable 9452  
electronics insurance only upon providing the vendor 9453  
policyholder and enrolled customers with at least sixty days' 9454  
prior notice. If the insurer changes the terms and conditions, 9455  
the insurer shall promptly provide the vendor policyholder with 9456  
a revised policy or endorsement and each enrolled customer with 9457  
a revised certificate, endorsement, updated brochure, or other 9458  
evidence indicating that a change in the terms and conditions 9459  
has occurred and a summary of material changes. 9460

(2) An insurer may terminate an enrolled customer's 9461  
enrollment under a portable electronics insurance policy upon 9462  
fifteen days' prior notice for discovery of fraud or material 9463  
misrepresentation in obtaining coverage or in the presentation 9464  
of a claim under the policy. 9465

(3) An insurer may immediately terminate an enrolled 9466  
customer's enrollment under a portable electronics insurance 9467  
policy for any of the following reasons: 9468

(a) The enrolled customer fails to pay the required 9469  
premium; 9470

(b) The enrolled customer ceases to have an active service 9471  
plan, if applicable, with the vendor of portable electronics; 9472

(c) The enrolled customer exhausts the aggregate limit of 9473  
liability, if any, under the terms of the portable electronics 9474  
insurance policy and the insurer sends notice of termination to 9475  
the customer within thirty calendar days after exhaustion of the 9476  
limit. However, if the insurer does not send the notice within 9477  
the thirty-day time frame, enrollment shall continue 9478  
notwithstanding the aggregate limit of liability until the 9479

insurer sends notice of termination to the enrolled customer. 9480

(4) If a portable electronics insurance policy is 9481  
terminated by a vendor policyholder, the vendor policyholder 9482  
shall provide notice to each enrolled customer advising the 9483  
customer of the termination of the policy and the effective date 9484  
of the termination. The written notice shall be mailed or 9485  
delivered to the customer at least thirty days prior to the 9486  
termination. 9487

(5) Notice required pursuant to this section shall be 9488  
provided in writing, either via mail or by electronic means. 9489

(a) If notice is provided via mail, it shall be mailed or 9490  
delivered to the vendor at the vendor's mailing address and to 9491  
all affected enrolled customers at the last known mailing 9492  
addresses of those customers on file with the insurer. The 9493  
insurer or vendor of portable electronics shall maintain proof 9494  
of mailing in a form authorized or accepted by the United States 9495  
postal service or other commercial mail delivery service. 9496

(b) If notice is provided electronically, it shall be 9497  
transmitted via facsimile or electronic mail to the vendor at 9498  
the vendor's facsimile number or electronic mail address and to 9499  
all affected enrolled customers at the last known facsimile 9500  
numbers or electronic mail addresses of those customers on file 9501  
with the insurer. The insurer or vendor shall maintain proof 9502  
that the notice was sent. 9503

(L) An enrolled customer may cancel the enrolled 9504  
customer's coverage under a portable electronics insurance 9505  
policy at any time. Upon cancellation, the insurer shall refund 9506  
any applicable unearned premium. 9507

(M) A license issued pursuant to this section shall 9508

authorize the vendor and its endorsees to engage only in those 9509  
activities that are expressly permitted by this section. 9510

(N) (1) If a vendor or a vendor's endorsee violates any 9511  
provision of this section, the superintendent may revoke or 9512  
suspend the license issued or impose any other sanctions 9513  
provided under section 3905.14 of the Revised Code. 9514

(2) If any provision of this section is violated by a 9515  
vendor or a vendor's endorsee at a particular location, the 9516  
superintendent may issue a cease and desist order to a 9517  
particular location, or take any other administrative action 9518  
authorized in section 3901.22 and division (D) of section 9519  
3905.14 of the Revised Code. 9520

(3) If any person violates division (B) or (F) (3) of this 9521  
section, the superintendent may issue a cease and desist order 9522  
in addition to taking any other administrative action provided 9523  
for in sections 3901.22 and division (D) of section 3905.14 of 9524  
the Revised Code. 9525

(4) If the superintendent determines that a violation of 9526  
this section or section 3905.14 of the Revised Code has 9527  
occurred, the superintendent may assess a civil penalty in 9528  
amount not exceeding twenty-five thousand dollars per violation 9529  
and an administrative fee to cover the expenses incurred by the 9530  
department in the administrative action, including costs 9531  
incurred in the investigation and hearing process. 9532

(O) The superintendent may adopt rules implementing this 9533  
section. 9534

**Sec. 3905.063.** (A) As used in this section: 9535

(1) "Customer" means a person who obtains the use of 9536  
storage space from a self-service storage facility under the 9537

terms of a self-storage rental agreement. 9538

(2) "Endorsee" means an employee or authorized 9539  
representative of a self-service storage facility authorized to 9540  
sell or offer self-service storage insurance. 9541

(3) "Enrolled customer" means a customer who elects 9542  
coverage under a self-service storage insurance policy issued to 9543  
a self-service storage facility by an insurer or a policy issued 9544  
directly to a customer from an insurer. 9545

(4) "Location" means any physical location in this state 9546  
or any web site, call center site, or similar location directed 9547  
to residents of this state. 9548

(5) "Owner" means the owner, operator, property management 9549  
company, lessor, or sublessor of a self-service storage 9550  
facility. "Owner" does not mean an occupant. 9551

(6) "Personal property" means moveable property not 9552  
affixed to land, and includes goods, merchandise, furniture, and 9553  
household items. 9554

(7)(a) "Self-service storage insurance" means insurance 9555  
providing coverage for the loss of, or damage to, tangible 9556  
personal property that is contained in storage space or in 9557  
transit during a self-service storage rental agreement period, 9558  
which may be offered on a month-to-month or other periodic basis 9559  
under an individual policy, or as a group, commercial, or master 9560  
policy issued to a self-service storage facility to provide 9561  
insurance for the self-service storage facility's customers. 9562

(b) "Self-service storage insurance" does not mean any of 9563  
the following: 9564

(i) A consumer goods service contract governed by section 9565

3905.423 of the Revised Code; 9566

(ii) A policy of insurance covering a seller's or a 9567  
manufacturer's obligations under a warranty; 9568

(iii) A homeowner's, renter's, private passenger 9569  
automobile, or similar insurance policy. 9570

(8) "Self-service storage rental agreement" means a 9571  
written agreement containing the terms and conditions governing 9572  
the use of storage space provided by a self-service storage 9573  
facility. 9574

(9) "Supervising entity" means an insurer or a business 9575  
entity licensed as an insurance agent under section 3905.041, 9576  
3905.06, or ~~3905.07~~ 3905.08 of the Revised Code that is 9577  
appointed by an insurer to supervise the administration of self- 9578  
service storage insurance. 9579

(B) (1) Except as provided in division (B) (2) of this 9580  
section, no self-service storage facility or self-service 9581  
storage facility's endorsee shall offer, sell, solicit, or place 9582  
self-service storage insurance unless the self-service storage 9583  
facility is licensed under section 3905.041, 3905.06, or ~~3905.07~~ 9584  
3905.08 of the Revised Code with a self-service storage 9585  
insurance line of authority and the offer, sale, solicitation, 9586  
or placement is incidental to the lease of self-service storage. 9587

(2) Any self-service storage facility offering or selling 9588  
self-service storage insurance on or before ~~the effective date~~ 9589  
~~of this section~~ March 23, 2015, that wishes to continue offering 9590  
or selling that insurance shall apply for a license within 9591  
ninety days after the superintendent of insurance makes the 9592  
application available. 9593

(C) (1) The superintendent shall issue a resident insurance 9594



license to a self-service storage facility under section 3905.06 9595  
of the Revised Code if the self-service storage facility 9596  
satisfies the requirements of sections 3905.05 and 3905.06 of 9597  
the Revised Code, except that the application for a self-service 9598  
storage insurance license shall satisfy the following additional 9599  
requirements: 9600

(a) The application shall include the location, including 9601  
the address for each location, of the self-service storage 9602  
facility's home office and any location at which the facility 9603  
engages in self-service storage transactions. 9604

(b) If the application requires the self-service storage 9605  
facility to designate an individual or entity as a responsible 9606  
insurance agent, that agent shall not be required to be an 9607  
employee of the applicant and may be an individual agent who is 9608  
an employee of the supervising entity. 9609

(c) If the self-service storage facility derives less than 9610  
fifty per cent of the self-service storage facility's revenue 9611  
from the sale of self-service storage insurance, the application 9612  
for a self-service storage insurance license may require the 9613  
self-service storage facility to provide the name, residence 9614  
address, and other information required by the superintendent 9615  
for one employee or officer of the self-service storage facility 9616  
who is designated by the self-service storage facility as the 9617  
person responsible for the self-service storage facility's 9618  
compliance with the requirements of this chapter. 9619

(d) If the self-service storage facility derives fifty per 9620  
cent or more of the self-service storage facility's revenue from 9621  
the sale of self-service storage insurance, the application may 9622  
require the information listed under division (C)(1)(c) of this 9623  
section for all owners with at least ten per cent interest or 9624

voting interest, partners, officers, and directors of the self- 9625  
service storage facility, or members or managers of a self- 9626  
service storage facility that is a limited liability company. 9627

(2) The superintendent shall issue a nonresident insurance 9628  
agent license to a self-service storage facility if the self- 9629  
service storage facility satisfies the requirements of section 9630  
3905.07 of the Revised Code. However, if the nonresident self- 9631  
service storage facility's home state does not issue a limited 9632  
lines license for self-service storage insurance, the 9633  
nonresident self-service storage facility may apply for a 9634  
resident license under sections 3905.05 and 3905.06 of the 9635  
Revised Code in the same manner and with the same rights and 9636  
privileges as if the self-service storage facility were a 9637  
resident of this state. 9638

(D) The holder of a limited lines license may not sell, 9639  
solicit, or negotiate insurance on behalf of any insurer unless 9640  
appointed to represent that insurer under section 3905.20 of the 9641  
Revised Code. 9642

(E) Division (B)(34) of section 3905.14 of the Revised 9643  
Code shall not apply to the self-service storage facility or the 9644  
self-service storage facility's endorsees. 9645

(F) If insurance is required as a condition of a self- 9646  
service storage rental agreement, the requirement may be 9647  
satisfied by the customer's purchase of self-service storage 9648  
insurance that is sold, solicited, or negotiated by the self- 9649  
service storage facility or presentation to the self-service 9650  
storage facility of evidence of other applicable insurance 9651  
coverage. 9652

Evidence of applicable insurance coverage includes a 9653

representation by a licensed Ohio insurance agent that the 9654  
customer satisfies the requirements of this division. 9655

(G) (1) A self-service storage facility may authorize any 9656  
endorsee of the self-service storage facility to sell or offer 9657  
self-service storage insurance to a customer at any location at 9658  
which the self-service storage facility engages in self-service 9659  
storage transactions. 9660

(2) An endorsee is not required to be licensed as an 9661  
insurance agent under this chapter if the self-service storage 9662  
facility is licensed under this section and the insurer issuing 9663  
the self-service storage insurance either directly supervises or 9664  
appoints a supervising entity to supervise the administration of 9665  
the self-service storage insurance including development of a 9666  
training program for endorsees in accordance with division (H) 9667  
of this section. 9668

(3) No endorsee shall do any of the following: 9669

(a) Advertise, represent, or otherwise represent the 9670  
endorsee's self as an insurance agent licensed under section 9671  
3905.06 or 3905.07 of the Revised Code; 9672

(b) Offer, sell, or solicit the purchase of self-service 9673  
storage insurance except in conjunction with and incidental to 9674  
the sale or lease of self-service storage; 9675

(c) Make any statement or engage in any conduct, express 9676  
or implied, that would lead a customer to believe either of the 9677  
following: 9678

(i) That, if insurance is required as a condition of a 9679  
self-service storage rental agreement, the purchase by the 9680  
customer of self-service storage insurance offered by the self- 9681  
service storage facility is the only method by which that 9682

condition may be met; 9683

(ii) That the self-service storage facility or its 9684  
endorsees are qualified to evaluate the adequacy of the 9685  
customer's existing insurance coverage. 9686

(4) An endorsee shall disclose that self-service storage 9687  
insurance may duplicate coverage already provided under a 9688  
customer's homeowner's insurance policy, renter's insurance 9689  
policy, or other coverage. 9690

(H) Each self-service storage facility, or the supervising 9691  
entity to that self-service storage facility, shall provide a 9692  
training and education program for all endorsees who sell or 9693  
offer self-service storage insurance. The program may be 9694  
provided as a web-based training module or in any other 9695  
electronic or recorded video form. The training and education 9696  
program shall meet all of the following minimum standards: 9697

(1) The training shall be delivered to each endorsee of 9698  
each self-service storage facility who sells or offers self- 9699  
service storage insurance and the endorsee shall complete the 9700  
training. 9701

(2) If the training is conducted in an electronic form, 9702  
the supervising entity shall implement a supplemental education 9703  
program regarding self-service storage insurance that is 9704  
conducted and overseen by employees of the supervising entity 9705  
who are licensed as insurance agents under section 3905.06 or – 9706  
~~3905.07~~ 3905.08 of the Revised Code. 9707

(3) The training and education program shall include basic 9708  
information about self-service storage insurance and information 9709  
concerning all of the following prohibited actions of endorsees: 9710

(a) No endorsee shall advertise, represent, or otherwise 9711

represent the endorsee's self as a licensed insurance agent. 9712

(b) No endorsee shall offer, sell, or solicit the purchase 9713  
of self-service storage insurance except in conjunction with and 9714  
incidental to the rental of a storage space by the self-service 9715  
storage facility. 9716

(c) No endorsee shall make any statement or engage in any 9717  
conduct, express or implied, that would lead a customer to 9718  
believe any of the following: 9719

(i) That the insurance policies offered by the endorsee 9720  
provide coverage not already provided by a customer's 9721  
homeowner's insurance policy, renter's insurance policy, or by 9722  
another source of coverage; 9723

(ii) That, if insurance is required as a condition of a 9724  
self-service storage rental agreement, the purchase by the 9725  
customer of self-service storage insurance offered by the self- 9726  
service storage facility is the only method by which that 9727  
condition may be met; 9728

(iii) That the self-service storage facility or its 9729  
endorsees are qualified to evaluate the adequacy of the 9730  
customer's existing insurance coverage. 9731

(I) A supervising entity appointed to supervise the 9732  
administration of self-service storage insurance under division 9733  
(G) (2) of this section shall maintain a registry of locations 9734  
supervised by that entity that are authorized to sell or solicit 9735  
self-service storage insurance in this state and the endorsees 9736  
at each location. The supervising entity shall make the registry 9737  
available to the superintendent upon request. 9738

(J) (1) At every location where a self-service storage 9739  
facility offers self-service storage insurance to customers, the 9740

self-service storage facility shall provide brochures or other 9741  
written materials to prospective customers that include all of 9742  
the following: 9743

(a) A summary of the material terms of the insurance 9744  
coverage, including all of the following: 9745

(i) The identity of the insurer; 9746

(ii) The identity of the supervising entity; 9747

(iii) The amount of any applicable deductible and how it 9748  
is to be paid; 9749

(iv) Benefits of the coverage; 9750

(v) Key terms and conditions of coverage. 9751

(b) A summary of the process for filing a claim; 9752

(c) A disclosure that self-service storage insurance may 9753  
provide a duplication of coverage already provided by a 9754  
customer's homeowner's insurance policy, renter's insurance 9755  
policy, or other source of coverage; 9756

(d) A disclosure that, if insurance is required as a 9757  
condition of a self-service storage rental agreement, the 9758  
requirement may be satisfied by either of the following: 9759

(i) The customer's purchase of self-service storage 9760  
insurance that is sold, solicited, or negotiated by the self- 9761  
service storage facility; 9762

(ii) The customer's presentation to the self-service 9763  
storage facility of evidence of other applicable insurance 9764  
coverage such as a representation by a licensed Ohio insurance 9765  
agent that the customer satisfies the coverage requirement<sup>7.1</sup>. 9766

(e) A disclosure that neither the endorsee nor the self- 9767

service storage facility is qualified to evaluate the adequacy 9768  
of the customer's existing insurance coverage; 9769

(f) A disclosure that the customer may cancel enrollment 9770  
for coverage under a self-service storage insurance policy at 9771  
any time and receive a refund of any applicable premium. 9772

(2) A self-service storage facility shall provide to every 9773  
customer who purchases self-service storage insurance a 9774  
certificate that is evidence of the coverage. 9775

(K) (1) The charges for self-service storage insurance may 9776  
be billed and collected by the self-service storage facility, 9777  
and the self-service storage facility may receive compensation 9778  
for performing billing and collection services, if either of the 9779  
following conditions are met: 9780

(a) If the charge to the customer for coverage is not 9781  
included in the cost associated with the purchase or lease of 9782  
self-service storage or related services, the charge for 9783  
coverage is separately itemized on the customer's bill. 9784

(b) If the charge to the customer for coverage is included 9785  
in the cost associated with the lease of self-service storage, 9786  
the self-service storage facility clearly and conspicuously 9787  
discloses to the customer that the charge for self-service 9788  
storage insurance coverage is included with the lease for self- 9789  
service storage. 9790

(2) All funds received by a self-service storage facility 9791  
from a customer for the sale of self-service storage insurance 9792  
shall be considered funds held in trust by the self-service 9793  
storage facility in a fiduciary capacity for the benefit of the 9794  
insurer. Self-service storage facilities that bill and collect 9795  
such charges are not required to maintain those funds in a 9796

segregated account if the self-service storage facility is 9797  
authorized by the insurer to hold those funds in an alternate 9798  
manner and the self-service storage facility remits the amount 9799  
of the charges to the supervising entity within sixty days after 9800  
receiving the charges. 9801

(L) (1) Except as otherwise provided in divisions (L) (2) 9802  
and (3) of this section, an insurer may terminate or otherwise 9803  
change the terms and conditions of a policy of self-service 9804  
storage insurance only upon providing the self-service storage 9805  
facility policyholder and enrolled customers with at least sixty 9806  
days' prior notice. If the insurer changes the terms and 9807  
conditions, the insurer shall promptly provide the self-service 9808  
storage facility policyholder with a revised policy or 9809  
endorsement and each enrolled customer with a revised 9810  
certificate, endorsement, updated brochure, or other evidence 9811  
indicating that a change in the terms and conditions has 9812  
occurred and a summary of material changes. 9813

(2) An insurer may terminate an enrolled customer's 9814  
enrollment under a self-service storage insurance policy upon 9815  
fifteen days' prior notice for discovery of fraud or material 9816  
misrepresentation in obtaining coverage or in the presentation 9817  
of a claim under the policy. 9818

(3) An insurer may immediately terminate an enrolled 9819  
customer's enrollment under a self-service storage insurance 9820  
policy for any of the following reasons: 9821

(a) The enrolled customer fails to pay the required 9822  
premium; 9823

(b) The enrolled customer ceases to have an active lease 9824  
at the self-service storage facility; 9825



(c) The enrolled customer exhausts the aggregate limit of 9826  
liability, if any, under the terms of the self-service storage 9827  
insurance policy and the insurer sends notice of termination to 9828  
the customer within thirty calendar days after exhaustion of the 9829  
limit. However, if the insurer does not send the notice within 9830  
the thirty-day time frame, enrollment shall continue 9831  
notwithstanding the aggregate limit of liability until the 9832  
insurer sends notice of termination to the enrolled customer. 9833

(4) If a self-service storage insurance policy is 9834  
terminated by a self-service storage facility policyholder, the 9835  
self-service storage facility policyholder shall provide notice 9836  
to each enrolled customer advising the customer of the 9837  
termination of the policy and the effective date of the 9838  
termination. The written notice shall be sent by mail, 9839  
electronic mail, or delivery to the customer at least thirty 9840  
days prior to the termination. 9841

(5) Notice required pursuant to this section may be sent 9842  
by any of the following methods: 9843

(a) Electronically, in accordance with section 3901.41 of 9844  
the Revised Code; 9845

(b) Via ordinary, registered, or certified mail, return 9846  
receipt requested and postage prepaid; 9847

(c) By overnight delivery using a nationally recognized 9848  
carrier. 9849

(M) An enrolled customer may cancel the enrolled 9850  
customer's coverage under a self-service storage insurance 9851  
policy at any time. Upon cancellation, the insurer shall refund 9852  
any applicable unearned premium. 9853

(N) A license issued pursuant to this section shall 9854

authorize the self-service storage facility and its endorsees to 9855  
engage only in those activities that are expressly permitted by 9856  
this section. 9857

(O) (1) If a self-service storage facility or a self- 9858  
service storage facility's endorsee violates any provision of 9859  
this section, the superintendent may revoke or suspend the 9860  
license issued or impose any other sanctions provided under 9861  
section 3905.14 of the Revised Code. 9862

(2) If any provision of this section is violated by a 9863  
self-service storage facility, a self-service storage facility's 9864  
endorsee at a particular location, a supervising entity, or an 9865  
agent, the facility, endorsee, supervising entity, or agent is 9866  
deemed to have engaged in an unfair and deceptive act or 9867  
practice in the business of insurance under sections 3901.19 to 9868  
3901.26 of the Revised Code. 9869

(3) If the superintendent determines that a violation of 9870  
this section or section 3905.14 of the Revised Code has 9871  
occurred, the superintendent may assess a civil penalty in an 9872  
amount not exceeding twenty-five thousand dollars per violation 9873  
and an administrative fee to cover the expenses incurred by the 9874  
department in the administrative action, including costs 9875  
incurred in the investigation and hearing process. 9876

(P) (1) Notwithstanding any other provision of law, if a 9877  
self-service storage facility's insurance-related activities, 9878  
and those of its endorsees, employees, and authorized 9879  
representatives, are limited to offering and disseminating self- 9880  
service storage insurance on behalf of and under the direction 9881  
of a limited lines self-service storage insurance agent that 9882  
meets the requirements of this section, the facility is 9883  
authorized to offer and disseminate insurance and receive 9884

related compensation for these services if the self-service 9885  
storage facility is registered by the limited lines self-service 9886  
storage insurance agent as described in division (I) of this 9887  
section. Any compensation paid to a self-service storage 9888  
facility's endorsee, employee, or authorized representative for 9889  
the services described in this section shall be incidental to 9890  
the endorsee's, employee's, or authorized representative's 9891  
overall compensation and not based primarily on the number of 9892  
customers who purchase self-service storage insurance coverage. 9893

(2) Nothing in this section shall be construed to prohibit 9894  
payment of compensation to a self-service storage facility or 9895  
its employees, endorsees, or authorized representatives for 9896  
activities under the limited lines self-service storage 9897  
insurance agent's license that are incidental to the overall 9898  
compensation of the self-service storage facility or the 9899  
employees, endorsees, or authorized representatives of the 9900  
facility. 9901

(3) All costs paid or charged to a consumer for the 9902  
purchase of self-service storage insurance or related services, 9903  
including compensation to the self-service storage facility, 9904  
shall be separately itemized on the customer's bill. 9905

(Q) The superintendent may adopt rules implementing this 9906  
section. 9907

**Sec. 3905.07.** (A) The superintendent of insurance shall 9908  
issue a nonresident insurance agent license to ~~an applicant that~~ 9909  
~~is a nonresident~~ person-business entity upon payment of all 9910  
applicable fees required under this chapter if the 9911  
superintendent finds all of the following: 9912

(1) The applicant is currently licensed as a resident and 9913

is in good standing in the applicant's home state. 9914

(2) The applicant is licensed in the applicant's home 9915  
state for the lines of authority requested in this state. 9916

(3) The applicant has submitted or has had transmitted to 9917  
the superintendent the application for licensure that the 9918  
applicant submitted to the applicant's home state or a completed 9919  
applicable uniform application. 9920

(4) The applicant has not committed any act that is a 9921  
ground for the denial, suspension, or revocation of a license 9922  
under section 3905.14 of the Revised Code. 9923

(5) The applicant is of good reputation and character, is 9924  
honest and trustworthy, and is otherwise suitable to be 9925  
licensed. 9926

(6) The applicant's home state issues nonresident 9927  
insurance agent licenses to residents of this state on the same 9928  
basis as set forth in division (A) of this section. 9929

(7) ~~If the applicant is a business entity, the~~ The 9930  
applicant has designated an insurance agent licensed as an agent 9931  
in this state to be responsible for the applicant's compliance 9932  
with the insurance laws of this state. 9933

(8) The applicant has submitted any other documents 9934  
requested by the superintendent. 9935

(B) To determine an applicant's licensure and standing 9936  
status in another state, the superintendent may utilize the 9937  
producer database maintained by the NAIC or its affiliates or 9938  
subsidiaries. If that information is not available on the 9939  
producer database, the superintendent may require a 9940  
certification letter from the applicant's home state. 9941

(C) (1) ~~An individual seeking to renew a nonresident~~ 9942  
~~insurance agent license shall apply biennially for a renewal of~~ 9943  
~~the license on or before the last day of the licensee's birth~~ 9944  
~~month.~~ A business entity seeking to renew a nonresident 9945  
insurance agent license shall apply biennially for a renewal of 9946  
the license on or before the date determined by the 9947  
superintendent. 9948

Applications shall be submitted to the superintendent on 9949  
forms prescribed by the superintendent. Each application shall 9950  
be accompanied by a biennial renewal fee. The superintendent 9951  
also may require an applicant to submit any document reasonably 9952  
necessary to verify the information contained in the renewal 9953  
application. 9954

(2) To be eligible for renewal, an applicant shall 9955  
maintain a resident license in the applicant's home state for 9956  
the lines of authority held in this state. 9957

(3) If an applicant submits a completed renewal 9958  
application, qualifies for renewal pursuant to divisions (C) (1) 9959  
and (2) of this section, and has not committed any act that is a 9960  
ground for the refusal to issue, suspension of, or revocation of 9961  
a license under section 3905.14 of the Revised Code, the 9962  
superintendent shall renew the applicant's nonresident insurance 9963  
agent license. 9964

(D) If ~~an individual or a~~ business entity does not apply 9965  
for the renewal of the ~~individual or~~ business entity's license 9966  
on or before the license renewal date specified in division (C) 9967  
(1) of this section, the ~~individual or~~ business entity may 9968  
submit a late renewal application along with all applicable fees 9969  
required under this chapter prior to the first day of the second 9970  
month following the license renewal date. 9971

(E) A license issued under this section that is not 9972  
renewed on or before its renewal date pursuant to division (C) 9973  
of this section or its late renewal date pursuant to division 9974  
(D) of this section automatically is suspended for nonrenewal on 9975  
the first day of the second month following the renewal date. If 9976  
a license is suspended for nonrenewal pursuant to this division, 9977  
the ~~individual or~~ business entity is eligible to apply for a 9978  
reinstatement of the license within the twelve-month period 9979  
following the date by which the license should have been renewed 9980  
by complying with the reinstatement procedure established by the 9981  
superintendent and paying all applicable fees required under 9982  
this chapter. 9983

(F) A license that is suspended for nonrenewal that is not 9984  
reinstated pursuant to division (E) of this section 9985  
automatically is canceled unless the superintendent is 9986  
investigating any allegations of wrongdoing by the agent or has 9987  
initiated proceedings under Chapter 119. of the Revised Code. In 9988  
that case, the license automatically is canceled after the 9989  
completion of the investigation or proceedings unless the 9990  
superintendent revokes the license. 9991

~~(G) An individual licensed as a nonresident insurance 9992  
agent who is unable to comply with the license renewal 9993  
procedures established under this section and who is unable to 9994  
engage in the business of insurance due to military service, a 9995  
long term medical disability, or some other extenuating 9996  
circumstance may request an extension of the renewal date of the 9997  
individual's license. To be eligible for such an extension, the 9998  
individual shall submit a written request with supporting 9999  
documentation to the superintendent. At the superintendent's 10000  
discretion, the superintendent may not consider a written 10001  
request made after the renewal date of the license. 10002~~

~~(H)~~ Notwithstanding any other provision of this chapter, a 10003  
nonresident ~~person-business entity~~ licensed as a surplus lines 10004  
producer in the applicant's home state shall receive a 10005  
nonresident surplus lines broker license pursuant to division 10006  
(A) of this section. Nothing in this section otherwise affects 10007  
or supersedes any provision of sections 3905.30 to 3905.37 of 10008  
the Revised Code. 10009

**Sec. 3905.071.** (A) (1) If a nonresident person licensed as 10010  
a nonresident insurance agent under section ~~3905.07~~ 3905.08 of 10011  
the Revised Code changes the person's address within the 10012  
person's state of residence, the person shall, within thirty 10013  
days after making that change, file a change of address with the 10014  
superintendent of insurance or the superintendent's designee. 10015

(2) If a nonresident person licensed as a nonresident 10016  
insurance agent under section ~~3905.07~~ 3905.08 of the Revised 10017  
Code changes the person's home state, the person shall, within 10018  
thirty days after making that change, file a change of address 10019  
with the superintendent and provide the superintendent with 10020  
certification from the new home state. 10021

(B) If a nonresident insurance agent complies with 10022  
division (A) of this section and the agent is in good standing 10023  
with the superintendent, no fee or license application shall be 10024  
required. A change in the residency status of an agent's license 10025  
under this section does not change the license renewal date 10026  
established by the initial license under section ~~3905.07~~ 10027  
3905.041 of the Revised Code. 10028

**Sec. 3905.072.** ~~Notwithstanding any other provision of this~~ 10029  
~~chapter, the~~ The superintendent of insurance shall issue ~~to a~~ 10030  
~~nonresident person licensed as a limited line credit insurance~~ 10031  
~~agent or other type of limited lines insurance agent in the~~ 10032

~~person's home state~~ a nonresident limited lines insurance agent 10033  
license in accordance with ~~division (A) of section 3905.07-9.79~~ 10034  
of the Revised Code, ~~with the same scope of authority as the~~ 10035  
~~person has under the license issued by the person's home state.~~ 10036  
~~However, the recognition of a limited lines authority under this~~ 10037  
~~section shall not create any new line of authority.~~ 10038

~~For purposes of this section, "limited lines insurance"~~ 10039  
~~means any authority granted by the home state that is less than~~ 10040  
~~the total authority provided in the associated major lines set~~ 10041  
~~forth in divisions (B)(1) to (6) of section 3905.06 of the~~ 10042  
~~Revised Code to an individual who is a nonresident if either of~~ 10043  
~~the following applies:~~ 10044

(A) The individual is licensed as a limited line credit 10045  
insurance agent or other type of limited lines insurance agent 10046  
in the person's home state. 10047

(B) The individual has satisfactory work experience, a 10048  
government certification, or a private certification as 10049  
described in that section as a limited line credit insurance 10050  
agent or other type of limited lines insurance agent in a home 10051  
state that does not issue that license. 10052

**Sec. 3905.08.** (A) The superintendent of insurance shall 10053  
~~waive all requirements under this chapter for issue a~~ 10054  
nonresident insurance agent license to an applicant with a valid 10055  
in accordance with section 9.79 of the Revised Code if either of 10056  
the following applies: 10057

(1) The applicant holds a license from the applicant's 10058  
home state, ~~except the requirements set forth in sections~~ 10059  
~~3905.07 to 3905.072 of the Revised Code, if the applicant's home~~ 10060  
~~state awards nonresident agent licenses to residents of this~~ 10061



~~state on the same basis.~~ 10062

(2) The applicant has satisfactory work experience, a 10063  
government certification, or a private certification as 10064  
described in that section as an insurance agent in a home state 10065  
that does not issue that license. 10066

(B) A nonresident insurance agent's satisfaction of the 10067  
continuing education requirements for insurance agents of the 10068  
agent's home state shall constitute satisfaction of the 10069  
continuing education requirements for insurance agents of this 10070  
state as set forth in section 3905.481 of the Revised Code. 10071

**Sec. 3905.09.** (A) The superintendent of insurance may 10072  
issue a temporary insurance agent license to any of the 10073  
following persons if the superintendent determines that the 10074  
license is necessary for the servicing of insurance business: 10075

(1) The surviving spouse or court-appointed personal 10076  
representative of a licensed insurance agent who dies or becomes 10077  
mentally or physically disabled, to allow adequate time for the 10078  
sale of the insurance business owned by the agent or for the 10079  
recovery or return of the agent to the business, or to provide 10080  
for the training and licensing of new personnel to operate the 10081  
agent's business; 10082

(2) A member or employee of a business entity licensed as 10083  
an insurance agent, upon the death or disability of the sole or 10084  
remaining licensed insurance agent; 10085

(3) The designee of a licensed insurance agent entering 10086  
active service in the United States armed forces; 10087

(4) Any other person if the superintendent determines that 10088  
the public interest will best be served by the issuance of the 10089  
license. 10090

(B) A temporary license issued under division (A) of this section shall remain in force for a period not to exceed one hundred eighty days. However, a temporary license may not continue in force under any of the circumstances described in division (A) of this section after the owner of the business or the owner's personal representative disposes of the business.

(C) The superintendent may, by order, limit the authority of any temporary license in any way deemed necessary to protect insureds and the public. The superintendent may also, by order, rescind a temporary license if the interests of insureds or the public are endangered.

(D) A temporary licensee shall be sponsored by a licensed insurance agent or insurer, which sponsor shall be responsible for all acts of the licensee. The superintendent may impose any other requirement on temporary licensees that the superintendent considers necessary to protect insureds and the public.

(E) Chapter 119. of the Revised Code shall not apply to the issuance, restriction, or rescission of a temporary license under this section.

(F) Section 9.79 of the Revised Code does not apply to a person issued a temporary license under this section.

**Sec. 3905.30.** (A) As used in sections 3905.30 to 3905.38 of the Revised Code:

(1) Notwithstanding section 3905.01 of the Revised Code, "home state" means the state in which an insured maintains its principal place of business or, in the case of an individual, the individual's principal residence except in the case of either of the following:

(a) If one hundred per cent of the insured risk is located

out of the state in which an insured maintains its principal 10120  
place of business or principal residence as described in 10121  
division (A) (1) (a) of this section, "home state" means the state 10122  
to which the greatest percentage of the insured's taxable 10123  
premium for that insurance contract is allocated. 10124

(b) If more than one insured from an affiliated group are 10125  
named insureds on a single unauthorized insurance contract, 10126  
"home state" means the state in which the member of the 10127  
affiliated group that has the largest percentage of premium 10128  
attributed to it under such insurance contract. 10129

(2) "Principal place of business" means the state where 10130  
the insured maintains the insured's headquarters and where the 10131  
insured's high-level officers direct, control, and coordinate 10132  
the business activities of the insured. 10133

(B) ~~The Except as provided in division (D) of this~~ 10134  
~~section, the~~ superintendent of insurance may issue a surplus 10135  
lines broker's license to any natural person who is a resident 10136  
of this or any other state or to a business entity that is 10137  
organized under the laws of this or any other state. To be 10138  
eligible for a resident surplus lines broker's license, a person 10139  
must have both a property license and a casualty license. ~~To be~~ 10140  
~~eligible for a nonresident surplus lines broker's license, a~~ 10141  
~~person must hold an active surplus lines broker license in the~~ 10142  
~~person's home state. A nonresident surplus lines broker shall~~ 10143  
~~obtain a nonresident license with a property and casualty line~~ 10144  
~~of authority in this state if the broker is or will be~~ 10145  
~~personally performing the due diligence requirements under~~ 10146  
~~section 3905.33 of the Revised Code.~~ 10147

(C) (1) A surplus lines broker's license permits the person 10148  
named in the license to negotiate for and obtain insurance, 10149

other than life insurance, on property or persons in this state 10150  
from both of the following: 10151

(a) Insurers not authorized to transact business in this 10152  
state; 10153

(b) An insurer designated as a domestic surplus lines 10154  
insurer pursuant to section 3905.332 of the Revised Code. 10155

(2) Each such license expires on the thirty-first day of 10156  
January next after the year in which it is issued, and may be 10157  
then renewed. 10158

(D) The superintendent shall issue a surplus lines 10159  
broker's license in accordance with section 9.79 of the Revised 10160  
Code to an individual if either of the following applies: 10161

(1) The individual holds a license in another state. 10162

(2) The individual has satisfactory work experience, a 10163  
government certification, or a private certification as 10164  
described in that section as a surplus lines broker in a state 10165  
that does not issue that license. 10166

**Sec. 3905.471.** (A) No individual or entity shall act as or 10167  
hold itself out to be an insurance navigator unless that 10168  
individual or entity is certified as an insurance navigator 10169  
under this section and is receiving funding under division (i) 10170  
of section 1311 of the Affordable Care Act. 10171

(B) An insurance navigator who complies with the 10172  
requirements of this section may do any of the following: 10173

(1) Conduct public education activities to raise awareness 10174  
of the availability of qualified health plans; 10175

(2) Distribute fair and impartial general information 10176

concerning enrollment in all qualified health plans offered 10177  
within the exchange and the availability of the premium tax 10178  
credits under section 36B of the Internal Revenue Code of 1986, 10179  
26 U.S.C. 36B, and cost-sharing reductions under section 1402 of 10180  
the Affordable Care Act; 10181

(3) Facilitate enrollment in qualified health plans, 10182  
without suggesting that an individual select a particular plan; 10183

(4) Provide referrals to appropriate state agencies for 10184  
any enrollee with a grievance, complaint, or question regarding 10185  
their health plan, coverage, or a determination under such plan 10186  
coverage; 10187

(5) Provide information in a manner that is culturally and 10188  
linguistically appropriate to the needs of the population being 10189  
served by the exchange. 10190

(C) An insurance navigator shall not do any of the 10191  
following: 10192

(1) Sell, solicit, or negotiate health insurance; 10193

(2) Provide advice concerning the substantive benefits, 10194  
terms, and conditions of a particular health benefit plan or 10195  
offer advice about which health benefit plan is better or worse 10196  
or suitable for a particular individual or entity; 10197

(3) Recommend a particular health plan or advise consumers 10198  
about which health benefit plan to choose; 10199

(4) Provide any information or services related to health 10200  
benefit plans or other products not offered in the exchange. 10201  
Division (C) (4) of this section shall not be interpreted as 10202  
prohibiting an insurance navigator from providing information on 10203  
eligibility for medicaid; 10204

(5) Engage in any unfair method of competition or any fraudulent, deceptive, or dishonest act or practice. 10205  
10206

(D) ~~An~~ Except as provided in division (N) of this section, an individual shall not act in the capacity of an insurance navigator, or perform insurance navigator duties on behalf of an organization serving as an insurance navigator, unless the individual has applied for certification and the superintendent finds that the applicant meets all of the following requirements: 10207  
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(1) Is at least eighteen years of age; 10214

(2) Has completed and submitted the application and disclosure form required under division (F) (2) of this section and has declared, under penalty of refusal, suspension, or revocation of the insurance navigator's certification, that the statements made in the form are true, correct, and complete to the best of the applicant's knowledge and belief; 10215  
10216  
10217  
10218  
10219  
10220

(3) Has successfully completed a criminal records check under section 3905.051 of the Revised Code, as required by the superintendent; 10221  
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10223

(4) Has successfully completed the certification and training requirements adopted by the superintendent in accordance with division (F) of this section; 10224  
10225  
10226

(5) Has paid all fees required by the superintendent. 10227

(E) (1) A business entity that acts as an insurance navigator, supervises the activities of individual insurance navigators, or receives funding to provide insurance navigator services shall obtain an insurance navigator business entity certification. 10228  
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(2) Any entity applying for a business entity certification shall apply in a form specified, and provide any information required by, the superintendent.

(3) A business entity certified as an insurance navigator shall, in a manner prescribed by the superintendent, make available a list of all individual insurance navigators that the business entity employs, supervises, or with which the business entity is affiliated.

(F) The superintendent of insurance shall, prior to any exchange becoming operational in this state, do all of the following:

(1) (a) ~~Adopt~~ Except as provided in division (N) of this section, adopt rules to establish a certification and training program for a prospective insurance navigator and the insurance navigator's employees that includes screening via a criminal records check performed in accordance with section 3905.051 of the Revised Code, initial and continuing education requirements, and an examination;

(b) The certification and training program shall include training on compliance with the "Health Insurance Portability and Accountability Act of 1996," 110 Stat. 1955, 42 U.S.C. 1320d, et seq., as amended, training on ethics, and training on provisions of the Affordable Care Act relating to insurance navigators and exchanges.

(2) Develop an application and disclosure form by which an insurance navigator may disclose any potential conflicts of interest, as well as any other information the superintendent considers pertinent.

(G) (1) The superintendent may suspend, revoke, or refuse

to issue or renew the insurance navigator certification of any 10262  
person, or levy a civil penalty against any person, that 10263  
violates the requirements of this section or commits any act 10264  
that would be a ground for denial, suspension, or revocation of 10265  
an insurance agent license, as prescribed in section 3905.14 of 10266  
the Revised Code. 10267

(2) The superintendent shall have the power to examine and 10268  
investigate the business affairs and records of any insurance 10269  
navigator. 10270

(3) (a) The superintendent shall not certify as an 10271  
insurance navigator, and shall revoke any existing insurance 10272  
navigator certification of, any individual, organization, or 10273  
business entity that is receiving financial compensation, 10274  
including monetary and in-kind compensation, gifts, or grants, 10275  
on or after October 1, 2013, from an insurer offering a 10276  
qualified health benefit plan through an exchange operating in 10277  
this state. 10278

(b) Notwithstanding division (G) (3) (a) of this section, 10279  
the superintendent may certify as a navigator a qualified health 10280  
center and a federally qualified health center look-alike, as 10281  
defined in section 3701.047 of the Revised Code. 10282

(4) (a) If the superintendent finds that a violation of 10283  
this section made by an individual insurance navigator was made 10284  
with the knowledge of the employing or supervising entity, or 10285  
that the employing or supervising entity should reasonably have 10286  
been aware of the individual insurance navigator's violation, 10287  
and the violation was not reported to the superintendent and no 10288  
corrective action was undertaken on a timely basis, then the 10289  
superintendent may suspend, revoke, or refuse to renew the 10290  
insurance navigator certification of the supervising or 10291



employing entity. 10292

(b) In addition to, or in lieu of, any disciplinary action 10293  
taken under division (G) (4) (a) of this section, the 10294  
superintendent may levy a civil penalty against such an entity. 10295

(H) A business entity that terminates the employment, 10296  
engagement, affiliation, or other relationship with an 10297  
individual insurance navigator shall notify the superintendent 10298  
within thirty days following the effective date of the 10299  
termination, using a format prescribed by the superintendent, if 10300  
the reason for termination is one of the reasons set forth in 10301  
section 3905.14 of the Revised Code, or the entity has knowledge 10302  
that the insurance navigator was found by a court or government 10303  
body to have engaged in any of the activities in section 3905.14 10304  
of the Revised Code. 10305

(I) Insurance navigators are subject to the laws of this 10306  
chapter, and any rules adopted pursuant to the chapter, in so 10307  
far as such laws are applicable. 10308

(J) The superintendent may deny, suspend, approve, renew, 10309  
or revoke the certification of an insurance navigator if the 10310  
superintendent determines that doing so would be in the interest 10311  
of Ohio insureds or the general public. Such an action is not 10312  
subject to Chapter 119. of the Revised Code. 10313

(K) The superintendent may adopt rules in accordance with 10314  
Chapter 119. of the Revised Code to implement sections 3905.47 10315  
to 3905.473 of the Revised Code. 10316

(L) The superintendent may, by rule, apply the 10317  
requirements of this chapter to any entity or person designated 10318  
by an exchange, the state, or the federal government to assist 10319  
consumers or participate in exchange activities. 10320

(M) Any fees collected under this section shall be paid 10321  
into the state treasury to the credit of the department of 10322  
insurance operating fund created under section 3901.021 of the 10323  
Revised Code. 10324

(N) The superintendent shall issue a certification to act 10325  
as an insurance navigator in accordance with section 9.79 of the 10326  
Revised Code to an applicant if either of the following applies: 10327

(1) The applicant holds a license or certification in 10328  
another state. 10329

(2) The applicant has satisfactory work experience, a 10330  
government certification, or a private certification as 10331  
described in that section as an insurance navigator in a state 10332  
that does not issue that license or certification. 10333

**Sec. 3905.72.** (A) (1) No person shall act as a managing 10334  
general agent representing an insurer licensed in this state 10335  
with respect to risks located in this state unless the person is 10336  
licensed as a managing general agent pursuant to division (C) or 10337  
(D) of this section. 10338

(2) No person shall act as a managing general agent 10339  
representing an insurer organized under the laws of this state 10340  
with respect to risks located outside this state unless the 10341  
person is licensed as a managing general agent pursuant to 10342  
division (C) of this section. 10343

(B) Every person that seeks to act as a managing general 10344  
agent as described in division (A) of this section shall apply 10345  
to the superintendent of insurance for a license. Except as 10346  
otherwise provided in division (D) of this section, the 10347  
application shall be in writing on a form provided by the 10348  
superintendent and shall be sworn or affirmed before a notary 10349

public or other person empowered to administer oaths. The 10350  
application shall be kept on file by the superintendent and 10351  
shall include all of the following: 10352

(1) The name and principal business address of the 10353  
applicant; 10354

(2) If the applicant is an individual, the applicant's 10355  
current occupation; 10356

(3) If the applicant is an individual, the applicant's 10357  
occupation or occupations during the five-year period prior to 10358  
applying for the license to act as a managing general agent; 10359

(4) A copy of the contract between the applicant and the 10360  
insurer as required by, and in compliance with, section 3905.73 10361  
of the Revised Code; 10362

(5) A copy of a certified resolution of the board of 10363  
directors of the insurer on whose behalf the applicant will act, 10364  
appointing the applicant as a managing general agent and agent 10365  
of the insurer, specifying the duties the applicant is expected 10366  
to perform on behalf of the insurer and the lines of insurance 10367  
the applicant will manage, and authorizing the insurer to enter 10368  
into a contract with the applicant as required by section 10369  
3905.73 of the Revised Code; 10370

(6) A statement that the applicant submits to the 10371  
jurisdiction of the superintendent and the courts of this state; 10372

(7) Any other information required by the superintendent. 10373

(C) The superintendent shall issue to a resident of this 10374  
state or a business entity organized under the laws of this 10375  
state a license to act as a managing general agent representing 10376  
an insurer licensed to do business in this state with respect to 10377

risks located in this state or a license to act as a managing 10378  
general agent representing an insurer organized under the laws 10379  
of this state with respect to risks located outside this state, 10380  
and shall renew such a license, if the superintendent is 10381  
satisfied that all of the following conditions are met: 10382

(1) The applicant is a suitable person and intends to hold 10383  
self out in good faith as a managing general agent. 10384

(2) The applicant is honest, trustworthy, and understands 10385  
the duties and obligations of a managing general agent. 10386

(3) The applicant has filed a completed application that 10387  
complies with division (B) of this section. 10388

(4) The applicant has paid a fee in the amount of twenty 10389  
dollars. 10390

(5) The applicant maintains a bond in the amount of not 10391  
less than fifty thousand dollars for the protection of the 10392  
insurer. 10393

(6) The applicant maintains an errors and omissions policy 10394  
of insurance. 10395

(7) The applicant is not, and has never been, under an 10396  
order of suspension or revocation under section 3905.77 of the 10397  
Revised Code or under any other law of this state, or any other 10398  
state, relating to insurance, and is otherwise in compliance 10399  
with sections 3905.71 to 3905.79 of the Revised Code and all 10400  
other laws of this state relating to insurance. 10401

(D) (1) If the applicant is ~~a resident of another state or~~ 10402  
a business entity organized under the laws of another state, the 10403  
applicant shall submit a request for licensure, along with a fee 10404  
of twenty dollars, to the superintendent. The superintendent 10405

shall issue a license to act as a managing general agent if the 10406  
request for licensure includes proof that the applicant is 10407  
licensed and in good standing as a managing general agent in the 10408  
applicant's home state and either a copy of the application for 10409  
licensure the applicant submitted to the applicant's home state 10410  
or the application described in division (B) of this section. 10411

~~If the applicant's home state does not license managing 10412  
general agents under provisions similar to those in sections 10413  
3905.71 to 3905.79 of the Revised Code, or if the applicant's 10414  
home state does not grant licenses to residents of this state on 10415  
the same reciprocal basis, the applicant shall comply with 10416  
divisions (B) and (C) of this section. 10417~~

(2) The superintendent shall issue a managing general 10418  
agent license in accordance with section 9.79 of the Revised 10419  
Code to an individual if either of the following applies: 10420

(a) The individual holds a license in another state. 10421

(b) The individual has satisfactory work experience, a 10422  
government certification, or a private certification as 10423  
described in that section as a managing general agent in a state 10424  
that does not issue that license. 10425

(E) Unless suspended or revoked by an order of the 10426  
superintendent pursuant to section 3905.77 of the Revised Code 10427  
and except as provided in division (F) of this section, any 10428  
license issued or renewed pursuant to division (C) or (D) of 10429  
this section shall expire on the last day of February next after 10430  
its issuance or renewal. 10431

(F) If the appointment of a managing general agent is 10432  
terminated by the insurer, the license of the managing general 10433  
agent shall expire on the date of the termination. 10434

(G) A license shall be renewed in accordance with the 10435  
standard renewal procedure specified in Chapter 4745. of the 10436  
Revised Code. 10437

(H) All license fees collected pursuant to this section 10438  
shall be paid into the state treasury to the credit of the 10439  
department of insurance operating fund. 10440

**Sec. 3905.81.** (A) As used in this section: 10441

(1) "Reinsurance intermediary-broker" means a person, 10442  
other than an officer or employee of the ceding insurer, that 10443  
solicits, negotiates, or places reinsurance cessions or 10444  
retrocessions on behalf of a ceding insurer without the 10445  
authority or power to bind reinsurance on behalf of such 10446  
insurer. 10447

(2) (a) "Reinsurance intermediary-manager" means a person 10448  
that has authority to bind or that manages all or part of the 10449  
assumed reinsurance business of a reinsurer, including the 10450  
management of a separate division, department, or underwriting 10451  
office, and that acts as an agent of the reinsurer whether known 10452  
as a reinsurance intermediary-manager, manager, or similar term. 10453

(b) "Reinsurance intermediary-manager" does not include: 10454

(i) An employee of the reinsurer; 10455

(ii) A United States manager of the United States branch 10456  
of an alien reinsurer; 10457

(iii) An underwriting manager that, pursuant to contract, 10458  
manages all of the reinsurance operations of the reinsurer, is 10459  
under common control with the reinsurer, subject to sections 10460  
3901.32 to 3901.37 of the Revised Code, and whose compensation 10461  
is not based on the volume of premiums written; 10462

(iv) The manager of a group, association, pool, or 10463  
organization of insurers that engages in joint reinsurance and 10464  
that are subject to examination by the insurance regulatory 10465  
authority of the state in which the manager's principal business 10466  
office is located. 10467

(B) ~~No-Except as provided in division (E) of this section,~~ 10468  
~~no~~ person shall act as a reinsurance intermediary-broker or 10469  
reinsurance intermediary-manager in this state, or on behalf of 10470  
an insurer or reinsurer domiciled in this state, unless the 10471  
person first obtains a license from the superintendent of 10472  
insurance in accordance with this section ~~or the superintendent~~ 10473  
~~accepts, in accordance with rules that the superintendent may~~ 10474  
~~adopt under division (C) of this section, a license issued to~~ 10475  
~~the person by the insurance regulatory authority of another~~ 10476  
~~state.~~ 10477

(C) The superintendent of insurance shall adopt rules in 10478  
accordance with Chapter 119. of the Revised Code establishing 10479  
the standards and procedures for licensing reinsurance 10480  
intermediary-brokers and reinsurance intermediary-managers. ~~The~~ 10481  
~~superintendent may also adopt rules, in accordance with Chapter~~ 10482  
~~119. of the Revised Code, for the acceptance of licenses issued~~ 10483  
~~by insurance regulatory authorities of other states with~~ 10484  
~~statutes similar to this section in lieu of requiring a license~~ 10485  
~~to be obtained from the superintendent under division (B) of~~ 10486  
~~this section.~~ 10487

(D) The fee for the issuance or renewal of a license shall 10488  
be five hundred dollars. ~~The fee for accepting the license of~~ 10489  
~~another state shall be one hundred dollars each year.~~ All fees 10490  
collected pursuant to this section shall be paid into the state 10491  
treasury to the credit of the department of insurance operating 10492

fund. 10493

(E) The superintendent shall issue a license to act as a 10494  
reinsurance intermediary-broker or reinsurance intermediary- 10495  
manager in accordance with section 9.79 of the Revised Code to 10496  
an applicant if either of the following applies: 10497

(1) The applicant holds a license in another state. 10498

(2) The applicant has satisfactory work experience, a 10499  
government certification, or a private certification as 10500  
described in that section as a reinsurance intermediary-broker 10501  
or reinsurance intermediary-manager in a state that does not 10502  
issue that license. 10503

**Sec. 3905.85.** (A) (1) An-Except as provided in division (B) 10504  
(2) of this section, an individual who applies for a license as 10505  
a surety bail bond agent shall submit an application for the 10506  
license in a manner prescribed by the superintendent of 10507  
insurance. The application shall be accompanied by a one- 10508  
hundred-fifty-dollar fee and a statement that gives the 10509  
applicant's name, age, residence, present occupation, occupation 10510  
for the five years next preceding the date of the application, 10511  
and such other information as the superintendent may require. 10512

(2) An applicant for an individual resident license shall 10513  
also submit to a criminal records check pursuant to section 10514  
3905.051 of the Revised Code. 10515

(B) (1) The superintendent shall issue to an applicant an 10516  
individual resident license that states in substance that the 10517  
person is authorized to do the business of a surety bail bond 10518  
agent, if the superintendent is satisfied that all of the 10519  
following apply: 10520

(a) The applicant is eighteen years of age or older. 10521



- (b) The applicant's home state is Ohio. 10522
- (c) The applicant is a person of high character and 10523  
integrity. 10524
- (d) The applicant has not committed any act that is 10525  
grounds for the refusal to issue, suspension of, or revocation 10526  
of a license under section 3905.14 of the Revised Code. 10527
- (e) The applicant is a United States citizen or has 10528  
provided proof of having legal authorization to work in the 10529  
United States. 10530
- (f) The applicant has successfully completed the 10531  
educational requirements set forth in section 3905.04 of the 10532  
Revised Code and passed the examination required by that 10533  
section. 10534
- (2) The superintendent shall issue a license to do the 10535  
business of a surety bail bond agent in accordance with section 10536  
9.79 of the Revised Code to an applicant ~~an individual~~ 10537  
~~nonresident license that states in substance that the person is~~ 10538  
~~authorized to do the business of a surety bail bond agent, if~~ 10539  
~~the superintendent is satisfied that all~~ if either of the 10540  
following ~~apply~~ applies: 10541
- (a) The applicant ~~is eighteen years of age or older~~ holds a 10542  
license in another state. 10543
- (b) The applicant ~~is currently licensed as a resident in~~ 10544  
~~another state and is in good standing in the applicant's home~~ 10545  
~~state for~~ has satisfactory work experience, a government 10546  
certification, or a private certification as described in that 10547  
section as a surety bail bond ~~or is qualified for the same~~ 10548  
~~authority~~ agent in a state that does not issue that license. 10549

~~(c) The applicant is a person of high character and integrity.~~ 10550  
10551

~~(d) The applicant has not committed any act that is grounds for the refusal to issue, suspension of, or revocation of a license under section 3905.14 of the Revised Code.~~ 10552  
10553  
10554

(3) The superintendent shall issue an applicant a resident business entity license that states in substance that the person is authorized to do the business of a surety bail bond agent if the superintendent is satisfied that all of the following apply: 10555  
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10557  
10558

(a) The applicant has submitted an application for the license in a manner prescribed by the superintendent and the one-hundred-fifty-dollar application fee. 10559  
10560  
10561

(b) The applicant either is domiciled in this state or maintains its principal place of business in this state. 10562  
10563

(c) The applicant has designated an individual licensed surety bail bond agent who will be responsible for the applicant's compliance with the insurance laws of this state. 10564  
10565  
10566

(d) The applicant has not committed any act that is grounds for the refusal to issue, suspension of, or revocation of a license under section 3905.14 of the Revised Code. 10567  
10568  
10569

(e) The applicant is authorized to do business in this state by the secretary of state if so required under the applicable provisions of Title XVII of the Revised Code. 10570  
10571  
10572

(f) The applicant has submitted any other documents requested by the superintendent. 10573  
10574

(4) The superintendent shall issue an applicant a nonresident business entity license that states in substance that the person is authorized to do the business of a surety 10575  
10576  
10577

bail bond agent if the superintendent is satisfied that all of 10578  
the following apply: 10579

(a) The applicant has submitted an application for the 10580  
license in a manner prescribed by the superintendent and the 10581  
one-hundred-fifty-dollar application fee. 10582

(b) The applicant is currently licensed and is in good 10583  
standing in the applicant's home state with surety bail bond 10584  
authority. 10585

(c) The applicant has designated an individual licensed 10586  
surety bail bond agent who will be responsible for the 10587  
applicant's compliance with the insurance laws of this state. 10588

(d) The applicant has not committed any act that is 10589  
grounds for the refusal to issue, suspension of, or revocation 10590  
of a license under section 3905.14 of the Revised Code. 10591

(e) The applicant has submitted any other documents 10592  
requested by the superintendent. 10593

(C) A ~~resident and nonresident~~ surety bail bond agent 10594  
license issued pursuant to this section authorizes the holder, 10595  
when appointed by an insurer, to execute or countersign bail 10596  
bonds in connection with judicial proceedings and to receive 10597  
money or other things of value for those services. However, the 10598  
holder shall not execute or deliver a bond during the first one 10599  
hundred eighty days after the license is initially issued. This 10600  
restriction does not apply with respect to license renewals or 10601  
any license issued under divisions (B) (3) and (4) of this 10602  
section. 10603

(D) The superintendent may refuse to renew a surety bail 10604  
bond agent's license as provided in division (B) of section 10605  
3905.88 of the Revised Code, and may suspend, revoke, or refuse 10606

to issue or renew such a license as provided in section 3905.14 10607  
of the Revised Code. 10608

If the superintendent refuses to issue such a license 10609  
based in whole or in part upon the written response to a 10610  
criminal records check completed pursuant to division (A) of 10611  
this section, the superintendent shall send a copy of the 10612  
response that was transmitted to the superintendent to the 10613  
applicant at the applicant's home address upon the applicant's 10614  
submission of a written request to the superintendent. 10615

(E) Any person licensed as a surety bail bond agent may 10616  
surrender the person's license in accordance with section 10617  
3905.16 of the Revised Code. 10618

(F) (1) A person seeking to renew a surety bail bond agent 10619  
license shall apply annually for a renewal of the license on or 10620  
before the last day of February. Applications shall be submitted 10621  
to the superintendent on forms prescribed by the superintendent. 10622  
Each application shall be accompanied by a one-hundred-fifty- 10623  
dollar renewal fee. 10624

(2) To be eligible for renewal, an individual applicant 10625  
shall complete the continuing education requirements pursuant to 10626  
section 3905.88 of the Revised Code prior to the renewal date. 10627

(3) If an applicant submits a completed renewal 10628  
application, qualifies for renewal pursuant to divisions (F) (1) 10629  
and (2) of this section, and has not committed any act that is a 10630  
ground for the refusal to issue, suspension of, or revocation of 10631  
a license under section 3905.14 or sections 3905.83 to 3905.99 10632  
of the Revised Code, the superintendent shall renew the 10633  
applicant's surety bail bond insurance agent license. 10634

(4) If an individual or business entity does not apply for 10635

the renewal of the individual or business entity's license on or 10636  
before the license renewal date specified in division (F)(1) of 10637  
this section, the individual or business entity may submit a 10638  
late renewal application along with all applicable fees required 10639  
under this chapter prior to the last day of March following the 10640  
renewal date. The superintendent shall renew the license of an 10641  
applicant that submits a late renewal application if the 10642  
applicant satisfies all of the following conditions: 10643

(a) The applicant submits a completed renewal application. 10644

(b) The applicant pays the one-hundred-fifty-dollar 10645  
renewal fee. 10646

(c) The applicant pays the late renewal fee established by 10647  
the superintendent. 10648

(d) The applicant provides proof of compliance with the 10649  
continuing education requirements pursuant to section 3905.88 of 10650  
the Revised Code. 10651

(e) The applicant has not committed any act that is 10652  
grounds for the refusal to issue, suspension of, or revocation 10653  
of a license under section 3905.14 or sections 3905.83 to 10654  
3905.99 of the Revised Code. 10655

(5) A license issued under this section that is not 10656  
renewed on or before its late renewal date specified in division 10657  
(F)(4) of this section is automatically suspended for nonrenewal 10658  
effective the first day of April. 10659

(6) If a license is suspended for nonrenewal pursuant to 10660  
division (F)(5) of this section, the individual or business 10661  
entity is eligible to apply for reinstatement of the license 10662  
within the twelve-month period following the date by which the 10663  
license should have been renewed by complying with the 10664

reinstatement procedure established by the superintendent and 10665  
paying all applicable fees required under this chapter. 10666

(7) A license that is suspended for nonrenewal that is not 10667  
reinstated pursuant to division (F)(6) of this section 10668  
automatically is canceled unless the superintendent is 10669  
investigating any allegations of wrongdoing by the agent or has 10670  
initiated proceedings under Chapter 119. of the Revised Code. In 10671  
that case, the license automatically is canceled after the 10672  
completion of the investigation or proceedings unless the 10673  
superintendent revokes the license. 10674

(G) The superintendent may prescribe the forms to be used 10675  
as evidence of the issuance of a license under this section. The 10676  
superintendent shall require each licensee to acquire, from a 10677  
source designated by the superintendent, a wallet identification 10678  
card that includes the licensee's photograph and any other 10679  
information required by the superintendent. The licensee shall 10680  
keep the wallet identification card on the licensee's person 10681  
while engaging in the bail bond business. 10682

(H) (1) The superintendent of insurance shall not issue or 10683  
renew the license of a business entity organized under the laws 10684  
of this or any other state unless the business entity is 10685  
qualified to do business in this state under the applicable 10686  
provisions of Title XVII of the Revised Code. 10687

(2) The failure of a business entity to be in good 10688  
standing with the secretary of state or to maintain a valid 10689  
appointment of statutory agent is grounds for suspending, 10690  
revoking, or refusing to renew its license. 10691

(3) By applying for a surety bail bond agent license under 10692  
this section, an individual or business entity consents to the 10693

jurisdiction of the courts of this state. 10694

(I) A surety bail bond agent licensed pursuant to this 10695  
section is an officer of the court. 10696

(J) Any fee collected under this section shall be paid 10697  
into the state treasury to the credit of the department of 10698  
insurance operating fund created by section 3901.021 of the 10699  
Revised Code. 10700

**Sec. 3916.03.** (A) ~~An~~ Except as provided in division (H) of 10701  
this section, an applicant for a license as a viatical 10702  
settlement provider or viatical settlement broker shall submit 10703  
an application for the license in a manner prescribed by the 10704  
superintendent of insurance. The application shall be 10705  
accompanied by a fee established by the superintendent by rule 10706  
adopted in accordance with Chapter 119. of the Revised Code. 10707

(B) A license issued under this chapter to a person other 10708  
than an individual authorizes all partners, officers, members, 10709  
or designated employees of the person to act as viatical 10710  
settlement providers or viatical settlement brokers, as 10711  
applicable, and all those partners, officers, members, or 10712  
designated employees shall be named in the application and any 10713  
supplements to the application. 10714

(C) ~~Upon~~ Except as provided in division (H) of this 10715  
section, upon the filing of an application under this section 10716  
and the payment of the license fee, the superintendent shall 10717  
make an investigation of the applicant and issue to the 10718  
applicant a license that states in substance that the person is 10719  
authorized to act as a viatical settlement provider or viatical 10720  
settlement broker, as applicable, if all of the following apply: 10721

(1) Regarding an application for a license as a viatical 10722

settlement provider, the applicant provides all of the 10723  
following: 10724

(a) A detailed plan of operation; 10725

(b) Proof of financial responsibility pursuant to division 10726  
(D) of this section; 10727

(c) A general description of the method the applicant will 10728  
use to determine life expectancies, including a description of 10729  
the applicant's intended receipt of life expectancies, the 10730  
applicant's intended use of life expectancies, the applicant's 10731  
intended use of life expectancy providers, and a written plan of 10732  
policies and procedures used to determine life expectancies. 10733

(2) The superintendent finds all of the following: 10734

(a) The applicant is competent and trustworthy and intends 10735  
to act in good faith in the capacity of a viatical settlement 10736  
provider or viatical settlement broker, as applicable. 10737

(b) The applicant has a good business reputation and has 10738  
had experience, training, or education so as to be qualified to 10739  
act in the capacity of a viatical settlement provider or 10740  
viatical settlement broker, as applicable. 10741

(3) If the applicant is a person other than an individual, 10742  
the applicant provides a certificate of good standing from the 10743  
state of its organization. 10744

(4) The applicant provides an antifraud plan that meets 10745  
the requirements of division (G) of section 3916.18 of the 10746  
Revised Code. 10747

(D) (1) An applicant for licensure as a viatical settlement 10748  
provider may provide proof of financial responsibility through 10749  
one of the following means: 10750



(a) Submitting audited financial statements that show a 10751  
minimum equity of not less than two hundred fifty thousand 10752  
dollars in cash or cash equivalents; 10753

(b) Submitting both audited annual financial statements 10754  
that show positive equity and either of the following: 10755

(i) A surety bond in the amount of two hundred fifty 10756  
thousand dollars in favor of this state issued by an insurer 10757  
authorized to issue surety bonds in this state; 10758

(ii) An unconditional and irrevocable letter of credit, 10759  
deposit of cash, or securities, in any combination, in the 10760  
aggregate amount of two hundred fifty thousand dollars. 10761

~~(2) If an applicant is licensed as a viatical settlement 10762  
provider in another state, the superintendent may accept as 10763  
valid any similar proof of financial responsibility the 10764  
applicant filed in that state. 10765~~

~~(3) The superintendent may request proof of financial 10766  
responsibility at any time the superintendent considers 10767  
necessary. 10768~~

(E) An applicant shall provide all information requested 10769  
by the superintendent. The superintendent may, at any time, 10770  
require an applicant to fully disclose the identity of all 10771  
shareholders, partners, officers, members, and employees, and 10772  
may, in the exercise of the superintendent's discretion, refuse 10773  
to issue a license to an applicant that is not an individual if 10774  
the superintendent is not satisfied that each officer, employee, 10775  
shareholder, partner, or member who may materially influence the 10776  
applicant's conduct meets the standards set forth in this 10777  
chapter. 10778

(F) Except as otherwise provided in this division, a 10779

license as a viatical settlement provider or viatical settlement 10780  
broker expires on the last day of March next after its issuance 10781  
or continuance. A license as a viatical settlement provider or 10782  
viatical settlement broker may, in the discretion of the 10783  
superintendent and the payment of an annual renewal fee 10784  
established by the superintendent by rule adopted in accordance 10785  
with Chapter 119. of the Revised Code, be continued past the 10786  
last day of March next after its issue and after the last day of 10787  
March in each succeeding year. Failure to pay the renewal fee by 10788  
the required date results in the expiration of the license. 10789

(G) Any individual licensed as a viatical settlement 10790  
broker shall complete not less than fifteen hours of continuing 10791  
education biennially. The superintendent shall approve 10792  
continuing education courses that shall be related to viatical 10793  
settlements and viatical settlement transactions. The 10794  
superintendent shall adopt rules for the enforcement of this 10795  
division. 10796

(H) The superintendent shall ~~not~~ issue a license to a 10797  
~~nonresident~~ an applicant who is licensed in another state or has 10798  
satisfactory work experience, a government certification, or a 10799  
private certification as described in section 9.79 of the 10800  
Revised Code as a viatical settlement provider or viatical 10801  
settlement broker in a state that does not issue that license in 10802  
accordance with that section, unless-if either of the following 10803  
applies: 10804

(1) The applicant files and maintains a written 10805  
designation of an agent for service of process with the 10806  
superintendent. 10807

(2) The applicant has filed with the superintendent the 10808  
applicant's written irrevocable consent that any action against 10809

the applicant may be commenced against the applicant by service 10810  
of process on the superintendent. 10811

(I) A viatical settlement provider or viatical settlement 10812  
broker shall provide to the superintendent new or revised 10813  
information regarding any change in its officers, any 10814  
shareholder owning ten per cent or more of its voting 10815  
securities, or its partners, directors, members, or designated 10816  
employees within thirty days of the change. 10817

(J) Any fee collected under this section shall be paid 10818  
into the state treasury to the credit of the department of 10819  
insurance operating fund created by section 3901.021 of the 10820  
Revised Code. 10821

**Sec. 3951.03.** (A) Before any certificate of authority 10822  
shall be issued by the superintendent of insurance there shall 10823  
be filed in ~~his~~ the superintendent's office a written 10824  
application therefor. Such application shall be in the form or 10825  
forms and supplements thereto prescribed by the superintendent 10826  
and shall set forth: 10827

~~(A)~~ (1) The name and address of the applicant, and if the 10828  
applicant be a firm, association, or partnership, the name and 10829  
address of each member thereof, and if the applicant be a 10830  
corporation, the name and address of each of its officers and 10831  
directors; 10832

~~(B)~~ (2) Whether any license or certificate of authority as 10833  
agent, broker, or public insurance adjuster has been issued 10834  
previously by the superintendent of this state or by the 10835  
insurance department of any state to the individual applicant, 10836  
and, if the applicant be an individual, whether any such 10837  
certificate has been issued previously to any firm, association, 10838

or partnership of which ~~he~~ the individual was or is an officer 10839  
or director, and, if the applicant be a firm, association, or 10840  
partnership, whether any such certificate has been issued 10841  
previously to any member thereof, and, if the applicant be a 10842  
corporation, whether any such certificate has been issued 10843  
previously to any officer or director of such corporation; 10844

~~(C)~~ (3) The business or employment in which the applicant 10845  
has been engaged for the five years next preceding the date of 10846  
the application, and the name and address of such business and 10847  
the name or names and addresses of his employer or employers; 10848

~~(D)~~ (4) Such information as the superintendent may require 10849  
of applicants in order to determine their trustworthiness and 10850  
competency to transact the business of public insurance 10851  
adjusters, in such manner as to safeguard the interest of the 10852  
public; 10853

~~(E)~~ The (B) Except as provided in division (C) of this 10854  
section, the superintendent shall issue a public insurance 10855  
adjuster agent certificate to a person, who is a bona fide 10856  
employee of a public insurance adjuster without examination, 10857  
provided said application is made by a person, partnership, 10858  
association, or corporation engaged in the public insurance 10859  
adjusting business. The fee to be paid by the applicant for such 10860  
a license at the time the application is made, and annually 10861  
thereafter for the renewal thereof according to the standard 10862  
renewal procedure of sections 4745.01 to 4745.03, inclusive, of 10863  
the Revised Code, shall be fifty dollars, and such applicant 10864  
shall be bonded in the amount of one thousand dollars as 10865  
provided for in division (D) of section 3951.06 of the Revised 10866  
Code. 10867

(C) The superintendent shall issue a public insurance 10868

adjuster agent certificate in accordance with section 9.79 of 10869  
the Revised Code to an applicant if either of the following 10870  
applies: 10871

(1) The applicant holds a license or certificate in 10872  
another state. 10873

(2) The applicant has satisfactory work experience, a 10874  
government certification, or a private certification as 10875  
described in that section as a public insurance adjuster agent 10876  
in a state that does not issue that license or certificate. 10877

(D) An application for any certificate of authority shall 10878  
be signed and verified under oath by the applicant and, if made 10879  
by a firm, association, partnership, or corporation, by each 10880  
member or officer and director thereof to be authorized thereby 10881  
to act as a public insurance adjuster. 10882

**Sec. 3951.05.** The superintendent of insurance shall, in 10883  
order to determine the trustworthiness and competency of any 10884  
applicant for a certificate of authority to act as a public 10885  
insurance adjuster, require such applicant or in the case of a 10886  
firm, association, partnership, or corporation, such of its 10887  
employees, members, officers, or directors, who are to be 10888  
individually authorized to act under its certificate of 10889  
authority, to submit to a written examination, ~~except applicants~~ 10890  
~~who are granted a waiver of examination in accordance with~~ 10891  
~~section 3951.09 of the Revised Code.~~ Examinations shall be held 10892  
in such place in this state and at such time as the 10893  
superintendent may designate. 10894

**Sec. 3951.09.** The superintendent ~~may waive the requirement~~ 10895  
~~that an applicant submit to an examination to obtain of~~ 10896  
insurance shall issue a certificate of authority under this 10897

~~chapter, provided that the applicant is licensed as a public insurance adjuster in another state that required the applicant to submit to an examination as a condition of licensure. Prior to waiving the examination requirement with respect to a public insurance adjuster licensed in another state, the superintendent shall issue a notice at least sixty days prior to the effective date of the waiver identifying the applicant's other state of licensure. The notice shall be issued in a manner deemed appropriate by the superintendent. Once the superintendent has issued a notice under this section identifying an applicant's other state of licensure, the superintendent need not issue subsequent notices as to applicants licensed in the same state in order to waive the examination requirement for those applicants in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies:~~

(A) The applicant holds a license or certificate in another state.

(B) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a public insurance adjuster in a state that does not issue that license or certificate.

**Sec. 4104.07.** (A) ~~An~~ Except as provided in division (E) of this section, an application for examination as an inspector of boilers and pressure vessels shall be in writing, accompanied by a fee of one hundred fifty dollars, upon a blank to be furnished by the superintendent of industrial compliance. Any moneys collected under this section shall be paid into the state treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code.

(B) The superintendent shall determine if an applicant

meets all the requirements for examination in accordance with 10928  
rules adopted by the board of building standards under section 10929  
4104.02 of the Revised Code. An application shall be rejected 10930  
which contains any willful falsification, or untruthful 10931  
statements. 10932

(C) An applicant shall be examined by the superintendent, 10933  
by a written examination, prescribed by the board, dealing with 10934  
the construction, installation, operation, maintenance, and 10935  
repair of boilers and pressure vessels and their appurtenances, 10936  
and the applicant shall be accepted or rejected on the merits of 10937  
the applicant's application and examination. 10938

(D) Upon a favorable report by the superintendent of the 10939  
result of an examination, the superintendent shall immediately 10940  
issue to the successful applicant a certificate of competency to 10941  
that effect. 10942

(E) The superintendent shall issue a certificate of 10943  
competency in accordance with section 9.79 of the Revised Code 10944  
to an applicant if either of the following applies: 10945

(1) The applicant holds a license or certificate in 10946  
another state. 10947

(2) The applicant has satisfactory work experience, a 10948  
government certification, or a private certification as 10949  
described in that section as an inspector of boilers and 10950  
pressure vessels in a state that does not issue that license or 10951  
certificate. 10952

**Sec. 4104.101.** (A) No person shall install or make major 10953  
repairs or modifications to any boiler without first registering 10954  
to do so with the division of industrial compliance. 10955

(B) No person shall make any installation or major repair 10956

or modification of any boiler without first obtaining a permit 10957  
to do so from the division. The permit application form shall 10958  
provide the name and address of the owner, location of the 10959  
boiler, and type of repair or modification that will be made. 10960  
The application permit fee shall be one hundred dollars. 10961

(C) The superintendent of industrial compliance shall 10962  
require annual registration of all contractors who install, make 10963  
major repairs to, or modify any boiler. The board of building 10964  
standards shall establish a reasonable fee to cover the cost of 10965  
processing registrations. 10966

(D) Notwithstanding any provision of this section to the 10967  
contrary, the superintendent shall register a contractor to 10968  
install, make major repairs to, or modify boilers in accordance 10969  
with section 9.79 of the Revised Code if either of the following 10970  
applies: 10971

(1) The contractor is licensed or registered in another 10972  
state to install, make major repairs to, or modify boilers. 10973

(2) The contractor has satisfactory work experience, a 10974  
government certification, or a private certification as 10975  
described in that section to install, make major repairs to, or 10976  
modify boilers in a state that does not issue that license or 10977  
registration. 10978

**Sec. 4104.19.** (A) Any—Except as provided in division (H) 10979  
of this section, any person seeking a license to operate as a 10980  
steam engineer, high pressure boiler operator, or low pressure 10981  
boiler operator shall file a written application with the 10982  
superintendent of industrial compliance on a form prescribed by 10983  
the superintendent with the appropriate application fee as set 10984  
forth in section 4104.18 of the Revised Code. The application 10985



shall contain information satisfactory to the superintendent to 10986  
demonstrate that the applicant meets the requirements of 10987  
division (B) of this section. The application shall be filed 10988  
with the superintendent not more than sixty days and not less 10989  
than thirty days before the license examination is offered. 10990

(B) To qualify to take the examination required to obtain 10991  
a steam engineer, high pressure boiler operator, or low pressure 10992  
boiler operator license, a person shall meet both of the 10993  
following requirements: 10994

(1) Be at least eighteen years of age; 10995

(2) Have one year of experience in the operation of steam 10996  
engines, high pressure boilers, or low pressure boilers as 10997  
applicable to the type of license being sought, or a combination 10998  
of experience and education for the type of license sought as 10999  
determined to be acceptable by the superintendent. 11000

(C) No applicant shall qualify to take an examination or 11001  
to renew a license if the applicant has violated this chapter or 11002  
if the applicant has obtained or renewed a license issued under 11003  
this chapter by fraud, misrepresentation, or deception. 11004

(D) The superintendent shall issue a license to each 11005  
applicant who receives a passing score on the examination, as 11006  
determined by the superintendent, for the license for which the 11007  
applicant applied. 11008

(E) The superintendent may select and contract with one or 11009  
more persons to do all of the following relative to the 11010  
examinations for a license to operate as a steam engineer, high 11011  
pressure boiler operator, or low pressure boiler operator: 11012

(1) Prepare, administer, score, and maintain the 11013  
confidentiality of the examination; 11014

(2) Maintain responsibility for all expenses required to 11015  
fulfill division (E) (1) of this section; 11016

(3) Charge each applicant a fee for administering the 11017  
examination, in an amount authorized by the superintendent; 11018

(4) Design the examination for each type of license to 11019  
determine an applicant's competence to operate the equipment for 11020  
which the applicant is seeking licensure. 11021

(F) Each license issued under this chapter expires one 11022  
year after the date of issue. Each person holding a valid, 11023  
unexpired license may renew the license, without reexamination, 11024  
by applying to the superintendent not more than ninety days 11025  
before the expiration of the license, and submitting with the 11026  
application the renewal fee established in section 4104.18 of 11027  
the Revised Code. Upon receipt of the renewal information and 11028  
fee, the superintendent shall issue the licensee a certificate 11029  
of renewal. 11030

(G) The superintendent, in accordance with Chapter 119. of 11031  
the Revised Code, may suspend or revoke any license, or may 11032  
refuse to issue a license under this chapter upon finding that a 11033  
licensee or an applicant for a license has violated or is 11034  
violating the requirements of this chapter. 11035

(H) The superintendent shall issue a license in accordance 11036  
with section 9.79 of the Revised Code to an applicant if either 11037  
of the following applies: 11038

(1) The applicant holds a license in another state. 11039

(2) The applicant has satisfactory work experience, a 11040  
government certification, or a private certification as 11041  
described in that section as a steam engineer, high pressure 11042  
boiler operator, or low pressure boiler operator in a state that 11043

does not issue that license.

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**Sec. 4104.35.** (A) Any person may apply to the historical  
boiler licensing board to become licensed to operate historical  
boilers in public. ~~The~~ Except as provided in division (F) of  
this section, the board shall issue a license to any person who  
satisfies the following criteria:

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(1) Is sixteen years of age or older;

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(2) Has completed a historical boiler operator's course  
that is approved by the board;

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(3) Passes a written or verbal examination that is  
approved by the board and that tests for competence in operating  
historical boilers;

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(4) Has at least one hundred hours of actual operating  
experience or training in the operation of historical boilers.

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(B) A person who satisfies the criteria described in  
division (A) of this section shall pay a one-time fee of fifty  
dollars for the issuance of a license under this section.

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(C) A license issued under this section is valid for the  
lifetime of the operator unless the license is revoked by the  
board pursuant to division (E) of this section.

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(D) Persons who are under the age of sixteen may be  
trained in the operation of historical boilers by serving as  
apprentices to operators who are licensed under this section, in  
order to obtain the training required under division (A) (4) of  
this section for licensure.

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(E) The board shall revoke a license issued under this  
section in accordance with rules the board adopts under division  
(A) (4) of section 4104.34 of the Revised Code. A person whose

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license is revoked may requalify for licensure if the person 11072  
satisfies the criteria the board establishes in rules it adopts 11073  
pursuant to division (A) (5) of section 4104.34 of the Revised 11074  
Code. 11075

(F) The board shall issue a license in accordance with 11076  
section 9.79 of the Revised Code to an applicant if either of 11077  
the following applies: 11078

(1) The applicant holds a license in another state. 11079

(2) The applicant has satisfactory work experience, a 11080  
government certification, or a private certification as 11081  
described in that section to operate historical boilers in a 11082  
state that does not issue that license. 11083

**Sec. 4105.02.** No person may act, either as a general 11084  
inspector or as a special inspector, of elevators, unless the 11085  
person holds a certificate of competency from the division of 11086  
industrial compliance. 11087

Application for examination as an inspector of elevators 11088  
shall be in writing, accompanied by a fee to be established as 11089  
provided in section 4105.17 of the Revised Code, and upon a 11090  
blank to be furnished by the division, stating the school 11091  
education of the applicant, a list of the applicant's employers, 11092  
the applicant's period of employment, and the position held with 11093  
each. An applicant shall also submit a letter from one or more 11094  
of the applicant's previous employers certifying as to the 11095  
applicant's character and experience. 11096

Applications shall be rejected which contain any willful 11097  
falsification or untruthful statements. An applicant, if the 11098  
division considers the applicant's history and experience 11099  
sufficient, shall be examined by the superintendent of 11100

industrial compliance by a written examination dealing with the 11101  
construction, installation, operation, maintenance, and repair 11102  
of elevators and their appurtenances, and the applicant shall be 11103  
accepted or rejected on the merits of the applicant's 11104  
application and examination. 11105

~~The Except as provided in this section, the~~ superintendent 11106  
shall issue a certificate of competency in the inspection of 11107  
elevators to any applicant found competent upon examination. A 11108  
rejected applicant shall be entitled, after the expiration of 11109  
ninety days and upon payment of an examination fee to be 11110  
established as provided in section 4105.17 of the Revised Code, 11111  
to another examination. Should an applicant fail to pass the 11112  
prescribed examination on second trial, the applicant will not 11113  
be permitted to be an applicant for another examination for a 11114  
period of one year after the second examination. 11115

The superintendent shall issue a certificate of competency 11116  
in the inspection of elevators in accordance with section 9.79 11117  
of the Revised Code to an applicant if either of the following 11118  
applies: 11119

(A) The applicant holds a license or certificate in 11120  
another state. 11121

(B) The applicant has satisfactory work experience, a 11122  
government certification, or a private certification as 11123  
described in that section as an inspector of elevators in a 11124  
state that does not issue that license or certificate. 11125

**Sec. 4169.03.** (A) Before a passenger tramway operator may 11126  
operate any passenger tramway in the state, the operator shall 11127  
apply to the ski tramway board, on forms prepared by it, for 11128  
registration by the board. The application shall contain an 11129

inventory of the passenger tramways that the applicant intends 11130  
to operate and other information as the board may reasonably 11131  
require and shall be accompanied by the following annual fees: 11132

- (1) Each aerial passenger tramway, five hundred dollars; 11133
- (2) Each skimobile, two hundred dollars; 11134
- (3) Each chair lift, two hundred dollars; 11135
- (4) Each J bar, T bar, or platter pull, one hundred 11136  
dollars; 11137
- (5) Each rope tow, fifty dollars; 11138
- (6) Each wire rope tow, seventy-five dollars; 11139
- (7) Each conveyor, one hundred dollars. 11140

When an operator operates an aerial passenger tramway, a 11141  
skimobile, or a chair lift during both a winter and summer 11142  
season, the annual fee shall be one and one-half the above 11143  
amount for the respective passenger tramway. 11144

(B) Upon payment of the appropriate annual fees in 11145  
accordance with division (A) of this section, the board shall 11146  
issue a registration certificate to the operator. Each 11147  
certificate shall remain in force until the thirtieth day of 11148  
September next ensuing. The board shall renew an operator's 11149  
certificate in accordance with the standard renewal procedure in 11150  
Chapter 4745. of the Revised Code upon payment of the 11151  
appropriate annual fees. 11152

(C) Money received from the registration fees and from the 11153  
fines collected pursuant to section 4169.99 of the Revised Code 11154  
shall be paid into the state treasury to the credit of the 11155  
industrial compliance operating fund created in section 121.084 11156

of the Revised Code. 11157

(D) No person shall operate a passenger tramway in this 11158  
state unless the person has been registered by the board. 11159

(E) The board shall issue a registration certificate in 11160  
accordance with section 9.79 of the Revised Code to an operator 11161  
if either of the following applies: 11162

(1) The operator is licensed or registered in another 11163  
state. 11164

(2) The operator has satisfactory work experience, a 11165  
government certification, or a private certification as 11166  
described in that section as a passenger tramway operator in a 11167  
state that does not issue that license or registration. 11168

**Sec. 4301.10.** (A) The division of liquor control shall do 11169  
all of the following: 11170

(1) Control the traffic in beer and intoxicating liquor in 11171  
this state, including the manufacture, importation, and sale of 11172  
beer and intoxicating liquor; 11173

(2) Grant or refuse permits for the manufacture, 11174  
distribution, transportation, and sale of beer and intoxicating 11175  
liquor and the sale of alcohol, as authorized or required by 11176  
this chapter and Chapter 4303. of the Revised Code. A 11177  
certificate, signed by the superintendent of liquor control and 11178  
to which is affixed the official seal of the division, stating 11179  
that it appears from the records of the division that no permit 11180  
has been issued to the person specified in the certificate, or 11181  
that a permit, if issued, has been revoked, canceled, or 11182  
suspended, shall be received as prima-facie evidence of the 11183  
facts recited in the certificate in any court or before any 11184  
officer of this state. 11185

(3) Put into operation, manage, and control a system of state liquor stores for the sale of spirituous liquor at retail and to holders of permits authorizing the sale of spirituous liquor; however, the division shall not establish any drive-in state liquor stores; and by means of those types of stores, and any manufacturing plants, distributing and bottling plants, warehouses, and other facilities that it considers expedient, establish and maintain a state monopoly of the distribution of spirituous liquor and its sale in packages or containers; and for that purpose, manufacture, buy, import, possess, and sell spirituous liquors as provided in this chapter and Chapter 4303. of the Revised Code, and in the rules promulgated by the superintendent of liquor control pursuant to those chapters; lease or in any manner acquire the use of any land or building required for any of those purposes; purchase any equipment that is required; and borrow money to carry on its business, and issue, sign, endorse, and accept notes, checks, and bills of exchange; but all obligations of the division created under authority of this division shall be a charge only upon the moneys received by the division from the sale of spirituous liquor and its other business transactions in connection with the sale of spirituous liquor, and shall not be general obligations of the state;

(4) Enforce the administrative provisions of this chapter and Chapter 4303. of the Revised Code, and the rules and orders of the liquor control commission and the superintendent relating to the manufacture, importation, transportation, distribution, and sale of beer or intoxicating liquor. The attorney general, any prosecuting attorney, and any prosecuting officer of a municipal corporation or a municipal court shall, at the request of the division of liquor control or the department of public



safety, prosecute any person charged with the violation of any 11217  
provision in those chapters or of any section of the Revised 11218  
Code relating to the manufacture, importation, transportation, 11219  
distribution, and sale of beer or intoxicating liquor. 11220

(5) Determine the locations of all state liquor stores and 11221  
manufacturing, distributing, and bottling plants required in 11222  
connection with those stores, subject to this chapter and 11223  
Chapter 4303. of the Revised Code; 11224

(6) Conduct inspections of liquor permit premises to 11225  
determine compliance with the administrative provisions of this 11226  
chapter and Chapter 4303. of the Revised Code and the rules 11227  
adopted under those provisions by the liquor control commission. 11228

Except as otherwise provided in division (A) (6) of this 11229  
section, those inspections may be conducted only during those 11230  
hours in which the permit holder is open for business and only 11231  
by authorized agents or employees of the division or by any 11232  
peace officer, as defined in section 2935.01 of the Revised 11233  
Code. Inspections may be conducted at other hours only to 11234  
determine compliance with laws or commission rules that regulate 11235  
the hours of sale of beer or intoxicating liquor and only if the 11236  
investigator has reasonable cause to believe that those laws or 11237  
rules are being violated. Any inspection conducted pursuant to 11238  
division (A) (6) of this section is subject to all of the 11239  
following requirements: 11240

(a) The only property that may be confiscated is 11241  
contraband, as defined in section 2901.01 of the Revised Code, 11242  
or property that is otherwise necessary for evidentiary 11243  
purposes. 11244

(b) A complete inventory of all property confiscated from 11245

the premises shall be given to the permit holder or the permit 11246  
holder's agent or employee by the confiscating agent or officer 11247  
at the conclusion of the inspection. At that time, the inventory 11248  
shall be signed by the confiscating agent or officer, and the 11249  
agent or officer shall give the permit holder or the permit 11250  
holder's agent or employee the opportunity to sign the 11251  
inventory. 11252

(c) Inspections conducted pursuant to division (A) (6) of 11253  
this section shall be conducted in a reasonable manner. A 11254  
finding by any court of competent jurisdiction that an 11255  
inspection was not conducted in a reasonable manner in 11256  
accordance with this section or any rules adopted by the 11257  
commission may be considered grounds for suppression of 11258  
evidence. A finding by the commission that an inspection was not 11259  
conducted in a reasonable manner in accordance with this section 11260  
or any rules adopted by it may be considered grounds for 11261  
dismissal of the commission case. 11262

If any court of competent jurisdiction finds that property 11263  
confiscated as the result of an administrative inspection is not 11264  
necessary for evidentiary purposes and is not contraband, as 11265  
defined in section 2901.01 of the Revised Code, the court shall 11266  
order the immediate return of the confiscated property, provided 11267  
that property is not otherwise subject to forfeiture, to the 11268  
permit holder. However, the return of this property is not 11269  
grounds for dismissal of the case. The commission likewise may 11270  
order the return of confiscated property if no criminal 11271  
prosecution is pending or anticipated. 11272

(7) Delegate to any of its agents or employees any power 11273  
of investigation that the division possesses with respect to the 11274  
enforcement of any of the administrative laws relating to beer 11275

or intoxicating liquor, provided that this division does not 11276  
authorize the division to designate any agent or employee to 11277  
serve as an enforcement agent. The employment and designation of 11278  
enforcement agents shall be within the exclusive authority of 11279  
the director of public safety pursuant to sections 5502.13 to 11280  
5502.19 of the Revised Code. 11281

(8) Collect the following fees: 11282

(a) A biennial fifty-dollar registration fee for each 11283  
agent, solicitor, trade marketing professional, or salesperson, 11284  
registered pursuant to section 4303.25 of the Revised Code, of a 11285  
beer or intoxicating liquor manufacturer, supplier, broker, 11286  
trade marketing company, or wholesale distributor doing business 11287  
in this state; 11288

(b) A fifty-dollar product registration fee for each new 11289  
beer or intoxicating liquor product sold in this state. The 11290  
product registration fee also applies to products sold in this 11291  
state by B-2a and S permit holders. The product registration fee 11292  
shall be accompanied by a copy of the federal label and product 11293  
approval for the new product. 11294

(c) An annual three-hundred-dollar supplier registration 11295  
fee from each manufacturer or supplier that produces and ships 11296  
into this state, or ships into this state, intoxicating liquor 11297  
or beer, in addition to an initial application fee of one 11298  
hundred dollars. A manufacturer that produces and ships beer or 11299  
wine into this state and that holds only an S permit is exempt 11300  
from the supplier registration fee. A manufacturer that produces 11301  
and ships wine into this state and that holds a B-2a permit 11302  
shall pay an annual seventy-six-dollar supplier registration 11303  
fee. A manufacturer that produces and ships wine into this state 11304  
and that does not hold either an S or a B-2a permit, but that 11305

produces less than two hundred fifty thousand gallons of wine 11306  
per year and that is entitled to a tax credit under 27 C.F.R. 11307  
24.278 shall pay an annual seventy-six-dollar supplier 11308  
registration fee. A B-2a or S permit holder that does not sell 11309  
its wine to wholesale distributors of wine in this state and an 11310  
S permit holder that does not sell its beer to wholesale 11311  
distributors of beer in this state shall not be required to 11312  
submit to the division territory designation forms. 11313

Each supplier, agent, solicitor, trade marketing 11314  
professional, or salesperson registration issued under this 11315  
division shall authorize the person named to carry on the 11316  
activity specified in the registration. The division shall 11317  
register a supplier, agent, solicitor, trade marketing 11318  
professional, or salesperson in accordance with section 9.79 of 11319  
the Revised Code if either of the following applies: 11320

(i) The supplier, agent, solicitor, trade marketing 11321  
professional, or salesperson is licensed or registered in 11322  
another state. 11323

(ii) The supplier, agent, solicitor, trade marketing 11324  
professional, or salesperson has satisfactory work experience, a 11325  
government certification, or a private certification as 11326  
described in that section as a supplier, agent, solicitor, trade 11327  
marketing professional, or salesperson in a state that does not 11328  
issue that license or registration. 11329

Each agent, solicitor, trade marketing professional, or 11330  
salesperson registration is valid for two years or for the 11331  
unexpired portion of a two-year registration period. Each 11332  
supplier registration is valid for one year or for the unexpired 11333  
portion of a one-year registration period. Registrations shall 11334  
end on their respective uniform expiration date, which shall be 11335

designated by the division, and are subject to suspension, 11336  
revocation, cancellation, or fine as authorized by this chapter 11337  
and Chapter 4303. of the Revised Code. 11338

As used in this division, "trade marketing company" and 11339  
"trade marketing professional" have the same meanings as in 11340  
section 4301.171 of the Revised Code. 11341

(9) Establish a system of electronic data interchange 11342  
within the division and regulate the electronic transfer of 11343  
information and funds among persons and governmental entities 11344  
engaged in the manufacture, distribution, and retail sale of 11345  
alcoholic beverages; 11346

(10) Notify all holders of retail permits of the forms of 11347  
permissible identification for purposes of division (A) of 11348  
section 4301.639 of the Revised Code; 11349

(11) Exercise all other powers expressly or by necessary 11350  
implication conferred upon the division by this chapter and 11351  
Chapter 4303. of the Revised Code, and all powers necessary for 11352  
the exercise or discharge of any power, duty, or function 11353  
expressly conferred or imposed upon the division by those 11354  
chapters. 11355

(B) The division may do all of the following: 11356

(1) Sue, but may be sued only in connection with the 11357  
execution of leases of real estate and the purchases and 11358  
contracts necessary for the operation of the state liquor stores 11359  
that are made under this chapter and Chapter 4303. of the 11360  
Revised Code; 11361

(2) Enter into leases and contracts of all descriptions 11362  
and acquire and transfer title to personal property with regard 11363  
to the sale, distribution, and storage of spirituous liquor 11364

within the state; 11365

(3) Terminate at will any lease entered into pursuant to 11366  
division (B) (2) of this section upon first giving ninety days' 11367  
notice in writing to the lessor of its intention to do so; 11368

(4) Fix the wholesale and retail prices at which the 11369  
various classes, varieties, and brands of spirituous liquor 11370  
shall be sold by the division. Those retail prices shall be the 11371  
same at all state liquor stores, except to the extent that a 11372  
price differential is required to collect a county sales tax 11373  
levied pursuant to section 5739.021 of the Revised Code and for 11374  
which tax the tax commissioner has authorized prepayment 11375  
pursuant to section 5739.05 of the Revised Code. In fixing 11376  
selling prices, the division shall compute an anticipated gross 11377  
profit at least sufficient to provide in each calendar year all 11378  
costs and expenses of the division and also an adequate working 11379  
capital reserve for the division. The gross profit shall not 11380  
exceed forty per cent of the retail selling price based on costs 11381  
of the division, and in addition the sum required by section 11382  
4301.12 of the Revised Code to be paid into the state treasury. 11383  
An amount equal to one and one-half per cent of that gross 11384  
profit shall be paid into the statewide treatment and prevention 11385  
fund created by section 4301.30 of the Revised Code and be 11386  
appropriated by the general assembly from the fund to the 11387  
department of mental health and addiction services as provided 11388  
in section 4301.30 of the Revised Code. 11389

On spirituous liquor manufactured in this state from the 11390  
juice of grapes or fruits grown in this state, the division 11391  
shall compute an anticipated gross profit of not to exceed ten 11392  
per cent. 11393

The wholesale prices fixed under this division shall be at 11394

a discount of not less than six per cent of the retail selling 11395  
prices as determined by the division in accordance with this 11396  
section. 11397

(C) The division may approve the expansion or diminution 11398  
of a premises to which a liquor permit has been issued and may 11399  
adopt standards governing such an expansion or diminution. 11400

**Sec. 4508.03.** (A) No person shall establish a driver 11401  
training school or continue the operation of an existing school 11402  
unless the person applies for and obtains from the director of 11403  
public safety a license in the manner and form prescribed by the 11404  
director. 11405

The director shall adopt rules that establish the 11406  
requirements for a school license, including requirements 11407  
concerning location, equipment, courses of instruction, 11408  
instructors, previous records of the school and instructors, 11409  
financial statements, schedule of fees and charges, character 11410  
and reputation of the operators, insurance in the sum and with 11411  
those provisions as the director considers necessary to protect 11412  
adequately the interests of the public, and any other matters as 11413  
the director may prescribe for the protection of the public. The 11414  
rules also shall require financial responsibility information as 11415  
part of the driver education curriculum. 11416

(B) Any school that offers a driver training program for 11417  
disabled persons shall provide specially trained instructors for 11418  
the driver training of such persons. No school shall operate a 11419  
driver training program for disabled persons after June 30, 11420  
1978, unless it has been licensed for such operation by the 11421  
director. No person shall act as a specially trained instructor 11422  
in a driver training program for disabled persons operated by a 11423  
school after June 30, 1978, unless that person has been licensed 11424

by the director. 11425

(C) The director shall certify instructors to teach driver 11426  
training to disabled persons in accordance with training program 11427  
requirements established by the department of public safety. 11428

The director shall issue a certificate to teach driver 11429  
training to disabled persons in accordance with section 9.79 of 11430  
the Revised Code to a person if either of the following applies: 11431

(1) The person holds a license or certificate in another 11432  
state. 11433

(2) The person has satisfactory work experience, a 11434  
government certification, or a private certification as 11435  
described in that section teaching driver training to disabled 11436  
persons in a state that does not issue that license or 11437  
certificate. 11438

(D) No person shall operate a driver training school 11439  
unless the person has a valid license issued by the director 11440  
under this section. 11441

(E) Whoever violates division (D) of this section is 11442  
guilty of operating a driver training school without a valid 11443  
license, a misdemeanor of the second degree. On a second or 11444  
subsequent offense within two years after the first offense, the 11445  
person is guilty of a misdemeanor of the first degree. 11446

**Sec. 4508.04.** (A) No person shall act as a driver training 11447  
instructor, and no person shall act as a driver training 11448  
instructor for disabled persons, unless such person applies for 11449  
and obtains from the director of public safety a license in the 11450  
manner and form prescribed by the director. The director shall 11451  
provide by rule for instructors' license requirements including 11452  
moral character, physical condition, knowledge of the courses of 11453



instruction, motor vehicle laws and safety principles, previous 11454  
personal and employment records, and such other matters as the 11455  
director may prescribe for the protection of the public. Driver 11456  
training instructors for disabled persons shall meet such 11457  
additional requirements and receive such additional classroom 11458  
and practical instruction as the director shall prescribe by 11459  
rule. 11460

(B) (1) The director shall not issue a license under this 11461  
section to a person if, within ten years of the date of 11462  
application for the license, the person has pleaded guilty to or 11463  
been convicted of a felony under the laws of this state or the 11464  
comparable laws of another jurisdiction. 11465

(2) The director shall not issue a license under this 11466  
section to a person if, within five years of the date of 11467  
application for the license, the person has pleaded guilty to or 11468  
been convicted of a misdemeanor of the first or second degree 11469  
that is reasonably related to the person's fitness to be issued 11470  
such a license. 11471

(C) No person shall knowingly make a false statement on a 11472  
license application submitted under this section. 11473

(D) Upon successful completion of all requirements for an 11474  
initial instructor license, the director shall issue an 11475  
applicant a probationary license, which expires one hundred 11476  
eighty days from the date of issuance. In order to receive a 11477  
driver training instructor license, a person issued a 11478  
probationary license shall pass an assessment prescribed in 11479  
rules adopted by the director pursuant to section 4508.02 of the 11480  
Revised Code. The person shall pass the assessment prior to 11481  
expiration of the probationary license. If the person fails to 11482  
pass the assessment, or fails to meet any standards required for 11483

a driver training instructor license, the director may extend 11484  
the expiration date of the person's probationary license. Upon 11485  
successful completion of the assessment and approval of the 11486  
director, the director shall issue to the person a driver 11487  
training instructor license. 11488

(E) Notwithstanding the requirements for a license issued 11489  
under this section, the board shall issue a license in 11490  
accordance with section 9.79 of the Revised Code to a person if 11491  
either of the following applies: 11492

(1) The person holds a license in another state. 11493

(2) The person has satisfactory work experience, a 11494  
government certification, or a private certification as 11495  
described in that section as a driver training instructor in a 11496  
state that does not issue that license. 11497

(F) (1) Whoever violates division (A) of this section is 11498  
guilty of acting as a driver training instructor without a valid 11499  
license, a misdemeanor of the first degree. 11500

(2) Whoever violates division (C) of this section may be 11501  
charged with falsification under section 2921.13 of the Revised 11502  
Code. 11503

**Sec. 4508.08.** There is hereby created in the department of 11504  
public safety the motorcycle safety and education program. The 11505  
director of public safety shall administer the program in 11506  
accordance with the following guidelines: 11507

(A) (1) The program shall include courses of instruction 11508  
conducted at vocational schools, community colleges, or other 11509  
suitable locations, by instructors who have obtained 11510  
certification in the manner and form prescribed by the director. 11511  
The courses shall meet standards established in rules adopted by 11512

the department in accordance with Chapter 119. of the Revised 11513  
Code. The courses may include instruction for novice motorcycle 11514  
operators, instruction in motorist awareness and alcohol and 11515  
drug awareness, and any other kind of instruction the director 11516  
considers appropriate. A reasonable tuition fee, as determined 11517  
by the director, may be charged. The director may authorize 11518  
private organizations or corporations to offer courses without 11519  
tuition fee restrictions, but such entities are not eligible for 11520  
reimbursement of expenses or subsidies from the motorcycle 11521  
safety and education fund created in section 4501.13 of the 11522  
Revised Code. 11523

(2) The director shall do both of the following: 11524

(a) Authorize private organizations or corporations to 11525  
offer any nationally recognized motorcycle operator training 11526  
courses or curriculum and any course established in accordance 11527  
with division (A) (1) of this section; 11528

(b) Permit an applicant for a motorcycle operator's 11529  
endorsement or a restricted license that permits only the 11530  
operation of a motorcycle who has completed any motorcycle 11531  
operator training course or curriculum as authorized in division 11532  
(A) (2) (a) of this section successfully within the preceding 11533  
sixty days to be eligible for the examination waiver as 11534  
described in division (B) (1) of section 4507.11 of the Revised 11535  
Code. 11536

(B) In addition to courses of instruction, the program may 11537  
include provisions for equipment purchases, marketing and 11538  
promotion, improving motorcycle license testing procedures, and 11539  
any other provisions the director considers appropriate. 11540

(C) The director shall evaluate the program every two 11541

years and shall periodically inspect the facilities, equipment, 11542  
and procedures used in the courses of instruction. 11543

(D) The director shall appoint at least one training 11544  
specialist who shall oversee the operation of the program, 11545  
establish courses of instruction, and supervise instructors. The 11546  
training specialist shall be a licensed motorcycle operator and 11547  
shall obtain certification in the manner and form prescribed by 11548  
the director. 11549

(E) The director may contract with other public agencies 11550  
or with private organizations or corporations to assist in 11551  
administering the program. 11552

(F) Notwithstanding any provision of Chapter 102. of the 11553  
Revised Code, the director, in order to administer the program, 11554  
may participate in a motorcycle manufacturer's motorcycle loan 11555  
program. 11556

(G) The director shall contract with an insurance company 11557  
or companies authorized to do business in this state to purchase 11558  
a policy or policies of insurance with respect to the 11559  
establishment or administration, or any other aspect of the 11560  
operation of the program. 11561

(H) Notwithstanding the requirements for a motorcycle 11562  
instructor certificate issued under this section, the director 11563  
shall issue a certificate in accordance with section 9.79 of the 11564  
Revised Code to a person if either of the following applies: 11565

(1) The person holds a license or certificate in another 11566  
state. 11567

(2) The person has satisfactory work experience, a 11568  
government certification, or a private certification as 11569  
described in that section as a motorcycle instructor in a state 11570

that does not issue that license or certificate. 11571

**Sec. 4511.763.** (A) No person, partnership, association, or 11572  
corporation shall transport pupils to or from school on a school 11573  
bus or enter into a contract with a board of education of any 11574  
school district for the transportation of pupils on a school 11575  
bus, without being licensed by the department of public safety. 11576

Notwithstanding the requirements for a license issued 11577  
under this division, the director shall issue a license in 11578  
accordance with section 9.79 of the Revised Code to a person if 11579  
either of the following applies: 11580

(1) The person holds a license or certificate in another 11581  
state. 11582

(2) The person has satisfactory work experience, a 11583  
government certification, or a private certification as 11584  
described in that section transporting pupils on a school bus in 11585  
a state that does not issue that license or certificate. 11586

(B) Except as otherwise provided in this division, whoever 11587  
violates this section is guilty of a minor misdemeanor. If, 11588  
within one year of the offense, the offender previously has been 11589  
convicted of or pleaded guilty to one predicate motor vehicle or 11590  
traffic offense, whoever violates this section is guilty of a 11591  
misdemeanor of the fourth degree. If, within one year of the 11592  
offense, the offender previously has been convicted of two or 11593  
more predicate motor vehicle or traffic offenses, whoever 11594  
violates this section is guilty of a misdemeanor of the third 11595  
degree. 11596

**Sec. 4701.06.** The accountancy board shall grant the 11597  
certificate of "certified public accountant" to any person who 11598  
satisfies the following requirements: 11599

(A) The person is a resident of this state or has a place  
of business in this state or, as an employee, is regularly  
employed in this state. The board may determine by rule  
circumstances under which the residency requirement may be  
waived.

(B) The person has attained the age of eighteen years.

(C) The person is of good moral character.

(D) The person meets the following requirements of  
education and experience:

(1) (a) Prior to January 1, 2000, graduation with a  
baccalaureate degree conferred by a college or university  
recognized by the board, with a concentration in accounting that  
includes related courses in other areas of business  
administration, or what the board determines to be substantially  
the equivalent of the foregoing;

(b) On and after January 1, 2000, graduation with a  
baccalaureate or higher degree that includes successful  
completion of one hundred fifty semester hours of undergraduate  
or graduate education. The board by rule shall specify graduate  
degrees that satisfy this requirement and also by rule shall  
require any subjects that it considers appropriate. The total  
educational program shall include an accounting concentration  
with related courses in other areas of business administration,  
as defined by board rule.

(2) (a) The experience requirement for candidates meeting  
the educational requirements set forth in division (D) (1) (a) or  
(b) of this section is one year of experience satisfactory to  
the board in any of the following:

(i) A public accounting firm;

(ii) Government; 11629

(iii) Business; 11630

(iv) Academia. 11631

(b) Except as provided in division (D) (2) (c) of this 11632  
section, the experience requirement for any candidate who, on 11633  
and after January 1, 2000, does not meet the educational 11634  
requirement set forth in division (D) (1) (b) of this section is 11635  
four years of experience described in division (D) (2) (a) of this 11636  
section. The experience requirement for any candidate who, prior 11637  
to January 1, 2000, does not meet the educational requirement 11638  
set forth in division (D) (1) (a) of this section is two years of 11639  
experience described in division (D) (2) (a) of this section. 11640

(c) On and after January 1, 2000, the experience 11641  
requirement for any candidate who, subsequent to obtaining a 11642  
baccalaureate or higher degree, other than a baccalaureate or 11643  
higher degree described in division (D) (1) (b) of this section, 11644  
successfully completes coursework that meets the educational 11645  
requirement set forth in division (D) (1) (b) of this section is 11646  
two years of experience described in division (D) (2) (a) of this 11647  
section. 11648

(E) The person has passed an examination that is 11649  
administered in the manner and that covers the subjects that the 11650  
board prescribes by rule. In adopting the relevant rules, the 11651  
board shall ensure to the extent possible that the examination, 11652  
the examination process, and the examination's passing standard 11653  
are uniform with the examinations, examination processes, and 11654  
examination passing standards of all other states and may 11655  
provide for the use of all or parts of the uniform certified 11656  
public accountant examination and advisory grading service of 11657

the American institute of certified public accountants. The 11658  
board may contract with third parties to perform administrative 11659  
services that relate to the examination and that the board 11660  
determines are appropriate in order to assist the board in 11661  
performing its duties in relation to the examination. 11662

None of the educational requirements specified in division 11663  
(D) of this section apply to a candidate who has a PA 11664  
registration, but the experience requirement for the candidate 11665  
who does not meet those educational requirements is four years 11666  
of the experience described in division (D) (2) (a) of this 11667  
section. 11668

Prior to January 1, 2000, the board shall waive the 11669  
educational requirement set forth in division (D) (1) (a) of this 11670  
section for any candidate if it finds that the candidate has 11671  
attained the equivalent education by attendance at a business 11672  
school, by self-study, or otherwise, and if it is satisfied from 11673  
the results of special examinations that the board gives the 11674  
candidate to test the candidate's educational qualifications 11675  
that the candidate is as well equipped, educationally, as if the 11676  
candidate met the applicable educational requirement specified 11677  
in division (D) (1) (a) of this section. 11678

On and after January 1, 2000, the board shall waive the 11679  
educational requirement set forth in division (D) (1) (b) of this 11680  
section for any candidate if the board finds that the candidate 11681  
has obtained from an accredited college or university approved 11682  
by the board, either an associate degree or a baccalaureate 11683  
degree, other than a baccalaureate degree described in division 11684  
(D) (1) (b) of this section, with a concentration in accounting 11685  
that includes related courses in other areas of business 11686  
administration, and if the board is satisfied from the results 11687



of special examinations that the board gives the candidate to 11688  
test the candidate's educational qualification that the 11689  
candidate is as well equipped, educationally, as if the 11690  
candidate met the applicable educational requirement specified 11691  
in division (D) (1) (b) of this section. 11692

The board shall provide by rule for the general scope of 11693  
any special examinations for a waiver of the educational 11694  
requirements under division (D) (1) (a) or (b) of this section and 11695  
may obtain any advice and assistance that it considers 11696  
appropriate to assist it in preparing and grading those special 11697  
examinations. The board may use any existing examinations or may 11698  
prepare any number of new examinations to assist in determining 11699  
the equivalent training of a candidate. The board by rule shall 11700  
prescribe any special examinations for a waiver of the 11701  
educational requirements under division (D) (1) (a) or (b) of this 11702  
section and the passing score required for each examination. 11703

The board shall hold the examination referred to in 11704  
division (E) of this section and the special examinations for a 11705  
waiver of the educational requirements under division (D) (1) (a) 11706  
or (b) of this section as often as the board determines to be 11707  
desirable, but the examination referred to in division (E) of 11708  
this section shall be held not less frequently than once each 11709  
year. ~~The board by rule may provide for granting credit to a~~ 11710  
~~candidate for satisfactory completion of an examination that a~~ 11711  
~~licensing authority of another state gave in one or more of the~~ 11712  
~~subjects referred to in division (E) of this section.~~ 11713

A candidate who has met the educational requirements, or 11714  
with respect to whom they either do not apply or have been 11715  
waived, is eligible to take the examination referred to in 11716  
division (E) of this section without waiting until the candidate 11717

meets the experience requirements, provided the candidate also 11718  
meets the requirements of divisions (A) and (C) of this section. 11719

A candidate for the certificate of certified public 11720  
accountant who has successfully completed the examination under 11721  
division (E) of this section has no status as a certified public 11722  
accountant, unless and until the candidate has the requisite 11723  
experience and has received a certificate as a certified public 11724  
accountant. The board shall determine and charge a fee for 11725  
issuing the certificate that is adequate to cover the expense. 11726

The board by rule may prescribe the terms and conditions 11727  
under which a candidate who passes part but not all of the 11728  
examination may retake the examination. It also may provide by 11729  
rule for a reasonable waiting period for a candidate's 11730  
reexamination. 11731

The applicable educational and experience requirements 11732  
under division (D) of this section shall be those in effect on 11733  
the date on which the candidate first sits for the examination. 11734

The board shall charge a candidate a reasonable fee, to be 11735  
determined by the board, that is adequate to cover all rentals, 11736  
compensation for proctors, and other administrative expenses of 11737  
the board related to examination or reexamination, including the 11738  
expenses of procuring and grading the examination provided for 11739  
in division (E) of this section and for any special examinations 11740  
for a waiver of the educational requirements under division (D) 11741  
(1) (a) or (b) of this section. Fees for reexamination under 11742  
division (E) of this section shall be charged by the board in 11743  
amounts determined by it. The applicable fees shall be paid by 11744  
the candidate at the time the candidate applies for examination 11745  
or reexamination. 11746

Any person who has received from the board a certificate 11747  
as a certified public accountant and who holds an Ohio permit 11748  
shall be styled and known as a "certified public accountant" and 11749  
also may use the abbreviation "CPA." The board shall maintain a 11750  
list of certified public accountants. Any certified public 11751  
accountant also may be known as a "public accountant." 11752

Persons who, on the effective date of an amendment of this 11753  
section, held certified public accountant certificates 11754  
previously issued under the laws of this state shall not be 11755  
required to obtain additional certificates under this section 11756  
but shall otherwise be subject to all provisions of this 11757  
section, and those previously issued certificates, for all 11758  
purposes, shall be considered certificates issued under this 11759  
section and subject to its provisions. 11760

The board may waive the examination under division (E) of 11761  
this section and, upon payment of a fee determined by it, may 11762  
issue a certificate as a "certified public accountant" to any 11763  
person who possesses the qualifications specified in divisions 11764  
(A), (B), and (C) of this section and what the board determines 11765  
to be substantially the equivalent of the applicable 11766  
qualifications under division (D) of this section and who ~~is the~~ 11767  
~~holder of a certificate as a certified public accountant, then~~ 11768  
~~in full force and effect, issued under the laws of any state, or~~ 11769  
is the holder of a certificate, license, or degree in a foreign 11770  
country that constitutes a recognized qualification for the 11771  
practice of public accounting in that country, that is 11772  
comparable to that of a certified public accountant of this 11773  
state, and that is then in full force and effect. 11774

(F) The board shall issue a certificate as a "certified 11775  
public accountant" in accordance with section 9.79 of the 11776

Revised Code to a person if either of the following applies: 11777

(1) The person holds a certificate as a certified public 11778  
accountant in another state. 11779

(2) The person has satisfactory work experience, a 11780  
government certification, or a private certification as 11781  
described in that section as a certified public accountant in a 11782  
state that does not issue that certificate. 11783

**Sec. 4701.07.** The accountancy board shall register as a 11784  
public accountant any person who meets all the following 11785  
requirements: 11786

(A) The person is a resident of this state or has a place 11787  
of business in this state. 11788

(B) The person has attained the age of eighteen years. 11789

(C) The person is of good moral character. 11790

(D) The person holds a baccalaureate or higher degree 11791  
conferred by a college or university recognized by the board, 11792  
with a concentration in accounting, or with what the board 11793  
determines to be substantially the equivalent of the foregoing; 11794  
or with a nonaccounting concentration supplemented by what the 11795  
board determines to be substantially the equivalent of an 11796  
accounting concentration, including related courses in other 11797  
areas of business administration. 11798

The board may waive the educational requirement for any 11799  
candidate if it finds that the candidate has attained the 11800  
equivalent education by attendance at a business school or two- 11801  
year college, by self-study, or otherwise, and if it is 11802  
satisfied from the result of a special written examination that 11803  
the board gives the candidate to test the candidate's 11804

educational qualifications that the candidate is as well 11805  
equipped, educationally, as if the candidate met the applicable 11806  
educational requirement specified in this division. The board 11807  
may provide by rule for the general scope of these examinations 11808  
and may obtain any advice and assistance that it considers 11809  
appropriate to assist it in preparing and grading the special 11810  
examinations. The board may use any existing examinations or may 11811  
prepare any number of new examinations to assist it in 11812  
determining the equivalent training of a candidate. The board by 11813  
rule may prescribe the special examinations and the passing 11814  
score required for each examination. 11815

(E) The person has completed two years of public 11816  
accounting experience, satisfactory to the board, in any state 11817  
in practice as a public accountant or in any state in employment 11818  
as a staff accountant by anyone practicing public accounting, or 11819  
other experience in private or governmental accounting that, in 11820  
the opinion of the board, will be the equivalent of that public 11821  
accounting practice, or any combination of those types of 11822  
experience, except that the experience requirement is only one 11823  
year of the experience described in this division for any 11824  
candidate holding a master's degree in accounting or business 11825  
administration from a college or university recognized by the 11826  
board, if the candidate has satisfactorily completed the number 11827  
of credit hours in accounting, business administration, 11828  
economics, and any related subjects that the board determines to 11829  
be appropriate and if either of the following applies: 11830

(1) The person has passed the uniform national society of 11831  
public accountants examination or a comparable examination 11832  
approved by the public accountant members of the accountancy 11833  
board. 11834

(2) The person has passed the accounting practice and 11835  
auditing sections of the uniform CPA examination. 11836

The examination described in division (E)(1) of this 11837  
section shall be held by the board and shall take place as often 11838  
as the board determines but shall not be held less frequently 11839  
than once each year. The board shall charge a candidate an 11840  
application fee, to be determined by the board, that is adequate 11841  
to cover all rentals, compensation for proctors, and other 11842  
expenses of the board related to examination or reexamination 11843  
except the expenses of procuring and grading the examination. In 11844  
addition, the board shall charge the candidate an examination 11845  
fee to be determined by the board, that is adequate to cover the 11846  
expense of procuring and grading the examination. Fees for 11847  
reexamination under division (E) of this section also shall be 11848  
charged by the board in amounts determined by it to be adequate 11849  
to cover the expenses of procuring and grading the examinations. 11850  
The applicable fees shall be paid by the candidate at the time 11851  
the candidate applies for examination or reexamination. 11852

(F) The person applied, on or before April 16, 1993, for 11853  
registration as a public accountant. 11854

The board shall determine and charge a fee for 11855  
registration under this section that is adequate to cover the 11856  
expense. 11857

The board in each case shall determine whether the 11858  
applicant is eligible for registration. Any individual who is so 11859  
registered and who holds an Ohio permit shall be styled and 11860  
known as a "public accountant" and may use the abbreviation 11861  
"PA." 11862

A person who, on the effective date of an amendment of 11863

this section, holds a valid registration as a public accountant 11864  
issued under the laws of this state shall not be required to 11865  
obtain additional registration under this section but shall 11866  
otherwise be subject to all provisions of this section. That 11867  
registration, for all purposes, shall be considered a 11868  
registration issued under this section and subject to its 11869  
provisions. 11870

Section 9.79 of the Revised Code does not apply to public 11871  
accountant registrations issued under this section. 11872

**Sec. 4701.10.** (A) The accountancy board, upon application, 11873  
shall issue Ohio permits to practice public accounting to 11874  
holders of the CPA certificate or the PA registration. Subject 11875  
to division (H)(1) of this section, there shall be a triennial 11876  
Ohio permit fee in an amount to be determined by the board not 11877  
to exceed one hundred fifty dollars. All Ohio permits shall 11878  
expire on the last day of December of the year assigned by the 11879  
board and, subject to division (H)(1) of this section, shall be 11880  
renewed triennially for a period of three years by certificate 11881  
holders and registrants in good standing upon payment of a 11882  
triennial renewal fee not to exceed one hundred fifty dollars. 11883

(B) The accountancy board may issue Ohio registrations to 11884  
holders of the CPA certificate and the PA registration who are 11885  
not engaged in the practice of public accounting. Such persons 11886  
shall not convey to the general public that they are actively 11887  
engaged in the practice of public accounting in this state. 11888  
Subject to division (H)(1) of this section, there shall be a 11889  
triennial Ohio registration fee in an amount to be determined by 11890  
the board but not exceeding fifty-five dollars. All Ohio 11891  
registrations shall expire on the last day of December of the 11892  
year assigned by the board and, subject to division (H)(1) of 11893

this section, shall be renewed triennially for a period of three 11894  
years upon payment by certificate holders and registrants in 11895  
good standing of a renewal fee not to exceed fifty-five dollars. 11896

(C) Any person who receives a CPA certificate and who 11897  
applies for an initial Ohio permit or Ohio registration more 11898  
than sixty days after issuance of the CPA certificate may, at 11899  
the board's discretion, be subject to a late filing fee not 11900  
exceeding one hundred dollars. 11901

(D) Any person to whom the board has issued an Ohio permit 11902  
who is engaged in the practice of public accounting and who 11903  
fails to renew the permit by the expiration date shall be 11904  
subject to a late filing fee not exceeding one hundred dollars 11905  
for each full month or part of a month after the expiration date 11906  
in which such person did not possess a permit, up to a maximum 11907  
of one thousand two hundred dollars. The board may waive or 11908  
reduce the late filing fee for just cause upon receipt of a 11909  
written request from such person. 11910

(E) Any person to whom the board has issued an Ohio permit 11911  
or Ohio registration who is not engaged in the practice of 11912  
public accounting and who fails to renew the permit or 11913  
registration by the expiration date shall be subject to a late 11914  
filing fee not exceeding fifty dollars for each full month or 11915  
part of a month after the expiration date in which such person 11916  
did not possess a permit or registration, up to a maximum of 11917  
three hundred dollars. The board may waive or reduce the late 11918  
filing fee for just cause upon receipt of a written request from 11919  
such person. 11920

(F) Failure of a CPA certificate holder or PA registration 11921  
holder to apply for either an Ohio permit or an Ohio 11922  
registration within one year from the expiration date of the 11923



Ohio permit or Ohio registration last obtained or renewed, or 11924  
one year from the date upon which the CPA certificate holder was 11925  
granted a CPA certificate, shall result in suspension of the CPA 11926  
certificate or PA registration until all fees required under 11927  
divisions (D) and (E) of this section have been paid, unless the 11928  
board determines the failure to have been due to excusable 11929  
neglect. In that case, the fee for the issuance or renewal of 11930  
the Ohio permit or Ohio registration, as the case may be, shall 11931  
be the amount that the board shall determine, but not in excess 11932  
of fifty dollars plus the fee for each triennial period or part 11933  
of a period the certificate holder or registrant did not have 11934  
either an Ohio permit or an Ohio registration. 11935

(G) The board by rule may exempt persons from the 11936  
requirement of holding an Ohio permit or Ohio registration for 11937  
specified reasons, including, but not limited to, retirement, 11938  
health reasons, military service, foreign residency, or other 11939  
just cause. 11940

(H) (1) The board by rule: 11941

(a) May provide for the issuance of Ohio permits and Ohio 11942  
registrations for less than three years' duration at prorated 11943  
fees; 11944

(b) Shall add a surcharge to the Ohio permit and Ohio 11945  
registration fee imposed pursuant to this section of at least 11946  
fifteen dollars but no more than thirty dollars for a three-year 11947  
Ohio permit or Ohio registration, at least ten dollars but no 11948  
more than twenty dollars for a two-year Ohio permit or Ohio 11949  
registration, and at least five dollars but no more than ten 11950  
dollars for a one-year Ohio permit or Ohio registration. 11951

(2) Each quarter, the board, for the purpose provided in 11952

section 4743.05 of the Revised Code, shall certify to the 11953  
director of budget and management the number of Ohio permits and 11954  
Ohio registrations issued or renewed under this chapter during 11955  
the preceding quarter and the amount equal to that number times 11956  
the amount of the surcharge added to each Ohio permit and Ohio 11957  
registration fee by the board under division (H) (1) of this 11958  
section. 11959

(I) Section 9.79 of the Revised Code does not apply to 11960  
Ohio permits or Ohio registrations issued under this section. 11961

**Sec. 4703.08.** The architects board shall adopt rules to 11962  
certify and register an applicant for a certificate of 11963  
qualification to practice architecture who is licensed or 11964  
registered as an architect in another ~~state or jurisdiction~~ 11965  
country, holds a current certificate in good standing issued by 11966  
the national council of architectural registration boards, and 11967  
wishes to be registered in this state. 11968

**Sec. 4703.10.** If the applicant passes the examination 11969  
under section 4703.09 of the Revised Code or in lieu of the 11970  
examination is, in the opinion of the architects board, eligible 11971  
to register as an architect pursuant to rules adopted under 11972  
section 4703.08 of the Revised Code, and in addition has proven 11973  
self to be of good moral character, the applicant is eligible to 11974  
receive from the board a certificate of qualification to 11975  
practice architecture. The certificate shall be signed by the 11976  
president and secretary of the board and shall bear the name of 11977  
the successful applicant, the serial number of the certificate, 11978  
the seal of the board, and the words, "admitted to practice 11979  
architecture in the state of Ohio, the \_\_\_\_ day of \_\_\_\_\_, 11980  
\_\_\_\_\_" 11981

If the applicant fails the examination under section 11982

4703.09 of the Revised Code, the board may refuse to issue a 11983  
certificate of qualification to practice architecture. 11984

The board shall certify and register an applicant in 11985  
accordance with section 9.79 of the Revised Code for a 11986  
certificate of qualification to practice architecture if either 11987  
of the following applies: 11988

(A) The applicant holds a certification, registration, or 11989  
license to practice architecture in another state. 11990

(B) The applicant has satisfactory work experience, a 11991  
government certification, or a private certification as 11992  
described in that section as an architect in a state that does 11993  
not issue that certificate, registration, or license. 11994

**Sec. 4703.33.** (A) The Ohio landscape architects board, in 11995  
accordance with Chapter 119. of the Revised Code, may adopt, 11996  
amend, and enforce rules governing the standards for education, 11997  
experience, services, conduct, and practice to be followed in 11998  
the practice of the profession of landscape architecture and 11999  
rules pertaining to the satisfactory completion of continuing 12000  
education requirements. If the board adopts rules pertaining to 12001  
continuing education requirements, the board shall, in general, 12002  
follow model continuing education recommendations established by 12003  
the council of landscape architectural registration boards or a 12004  
similar successor organization. 12005

(B) The board, or the board's designee, shall hold 12006  
examinations not less than once annually and shall register as a 12007  
landscape architect each applicant who demonstrates to the 12008  
satisfaction of the board that the applicant has met all the 12009  
requirements of section 4703.34 of the Revised Code. 12010

(C) The board shall issue to each individual registered 12011

pursuant to this section a certificate of qualification. 12012

Section 9.79 of the Revised Code does not apply to a 12013  
certificate of qualification issued under this division. 12014

(D) The board shall appoint at least one of its members as 12015  
a delegate to each regional and annual meeting of the council of 12016  
landscape architectural registration boards. 12017

**Sec. 4703.35.** (A) The Ohio landscape architects board 12018  
shall register as a landscape architect any individual who is at 12019  
least eighteen years of age and who provides evidence 12020  
satisfactory to the board that the individual is a registered or 12021  
licensed landscape architect in another ~~state or~~ country in 12022  
which the qualifications, at the time of licensure, were 12023  
substantially equal, in the opinion of the board, to the 12024  
requirements for registration as a landscape architect in this 12025  
state. The board may require that an applicant for registration 12026  
under this ~~section~~ division hold a current council record or 12027  
certificate in good standing issued by the council of landscape 12028  
architectural registration boards. 12029

(B) The board shall register as a landscape architect in 12030  
accordance with section 9.79 of the Revised Code an individual 12031  
if either of the following applies: 12032

(1) The individual holds a registration or license as a 12033  
landscape architect in another state. 12034

(2) The individual has satisfactory work experience, a 12035  
government certification, or a private certification as 12036  
described in that section as a landscape architect in a state 12037  
that does not issue that registration or license. 12038

**Sec. 4703.37.** (A) The Ohio landscape architects board 12039  
shall establish an application fee for obtaining registration 12040

under section 4703.34 of the Revised Code and a fee for 12041  
obtaining registration under division (A) of section 4703.35 of 12042  
the Revised Code. 12043

(B) The fee to restore an expired certificate of 12044  
qualification is the renewal fee for the current certification 12045  
period, plus the renewal fee for each previous renewal period in 12046  
which the certificate was not renewed, plus a penalty of twenty- 12047  
five per cent of the total renewal fees for each renewal period 12048  
or part thereof in which the certificate was not renewed, on the 12049  
condition that the maximum fee shall not exceed an amount 12050  
established by the board. 12051

(C) The board also shall establish the following fees: 12052

(1) The fee for a certificate of qualification or 12053  
duplicate thereof, as issued to a landscape architect registered 12054  
under sections 4703.33 to 4703.38 of the Revised Code. 12055

(2) The fee for the biennial renewal of the certificate of 12056  
qualification and the fee for a duplicate renewal card. 12057

(3) The fee to be charged an examinee for administering an 12058  
examination to the examinee on behalf of another jurisdiction. 12059

(4) The fee for a certificate of authorization issued 12060  
under division (F) of section 4703.331 of the Revised Code, the 12061  
fee for annual renewal of a certificate of authorization, and 12062  
the fee for a duplicate certificate of authorization. 12063

(5) The fee to cover costs for checks or other instruments 12064  
returned to the board by financial institutions due to 12065  
insufficient funds. 12066

**Sec. 4707.07.** (A) The department of agriculture may grant 12067  
~~auctioneers'~~ auctioneer's licenses to those individuals who are 12068

determined to be qualified by the department. Each individual 12069  
who applies for an auctioneer's license shall furnish to the 12070  
department, on forms provided by the department, satisfactory 12071  
proof that the applicant: 12072

(1) Has a good reputation; 12073

(2) Is of trustworthy character; 12074

(3) Has attained the age of at least eighteen years; 12075

(4) Has ~~done one of the following:~~ 12076

~~(a) Met~~ met the apprenticeship requirements set forth in 12077  
section 4707.09 of the Revised Code; 12078

~~(b) Met the requirements of section 4707.12 of the Revised~~ 12079  
~~Code.~~ 12080

(5) Has a general knowledge of the following: 12081

(a) The requirements of the Revised Code relative to 12082  
auctioneers; 12083

(b) The auction profession; 12084

(c) The principles involved in conducting an auction; 12085

(d) Any local and federal laws regarding the profession of 12086  
auctioneering. 12087

(6) Has satisfied the financial responsibility 12088  
requirements established under section 4707.11 of the Revised 12089  
Code if applicable. 12090

(B) Auctioneers who served apprenticeships and who hold 12091  
licenses issued before May 1, 1991, and who seek renewal of 12092  
their licenses, are not subject to the additional apprenticeship 12093  
requirements imposed by section 4707.09 of the Revised Code. 12094

(C) A licensee may do business under more than one 12095  
registered name, but not to exceed three registered names, 12096  
provided that the names have been approved by the department. 12097  
The department may reject the application of any person seeking 12098  
licensure under this chapter if the name or names to be used by 12099  
the applicant are likely to mislead the public, or if the name 12100  
or names do not distinguish the applicant from the name or names 12101  
of any existing person licensed under this chapter. If an 12102  
applicant applies to the department to do business under three 12103  
names, the department may charge a fee of ten dollars for the 12104  
third name. 12105

(D) The department, ~~in its discretion, may waive the~~ 12106  
~~schooling and apprenticeship requirements for a resident of this~~ 12107  
~~state, provided that the resident shall issue an auctioneer's~~ 12108  
~~license in accordance with section 9.79 of the Revised Code to~~ 12109  
~~an applicant if either of the following applies:~~ 12110

(1) The applicant holds a valid auctioneer ~~an auctioneer's~~ 12111  
~~license that was issued by a state with which the department has~~ 12112  
~~entered into a reciprocal licensing agreement and the resident~~ 12113  
~~is in good standing with that state. The applicant shall provide~~ 12114  
~~proof that is satisfactory to the department that the applicant~~ 12115  
~~has had two years of experience as an auctioneer immediately~~ 12116  
~~preceding the date of application that includes at a minimum~~ 12117  
~~twelve auctions in which the applicant was a bid caller in the~~ 12118  
~~reciprocal in another state.~~ 12119

(2) The applicant has satisfactory work experience, a 12120  
government certification, or a private certification as 12121  
described in that section as an auctioneer in a state that does 12122  
not issue that license. 12123

**Sec. 4707.072.** The department of agriculture may grant 12124

one-auction licenses to any nonresident individual who is 12125  
determined to be qualified by the department. ~~Any Section 9.79~~ 12126  
~~of the Revised Code does not apply to one-auction licenses~~ 12127  
~~issued under this section.~~ 12128

Any individual who applies for a one-auction license shall 12129  
attest, on forms provided by the department, and furnish to the 12130  
department, satisfactory proof that the license applicant meets 12131  
the following requirements: 12132

(A) Has a good reputation; 12133

(B) Is of trustworthy character; 12134

(C) Has attained the age of at least eighteen years; 12135

(D) Has a general knowledge of the requirements of the 12136  
Revised Code relative to auctioneers, the auction profession, 12137  
and the principles involved in conducting an auction; 12138

(E) Has two years of professional auctioneering experience 12139  
immediately preceding the date of application that includes the 12140  
personal conduct by the applicant of at least twelve auction 12141  
sales in any state, ~~or has met the requirements of section~~ 12142  
~~4707.12 of the Revised Code;~~ 12143

(F) Has paid a fee of five hundred dollars; 12144

(G) Has not applied for or previously obtained a license 12145  
under this section; 12146

(H) Has provided proof of financial responsibility in the 12147  
form of either an irrevocable letter of credit or a cash bond or 12148  
a surety bond in the amount of fifty thousand dollars. If the 12149  
applicant gives a surety bond, the bond shall be executed by a 12150  
surety company authorized to do business in this state. A bond 12151  
shall be made to the department and shall be conditioned that 12152



the applicant shall comply with this chapter and rules adopted 12153  
under it, including refraining from conduct described in section 12154  
4707.15 of the Revised Code. All bonds shall be on a form 12155  
approved by the director of agriculture. 12156

**Sec. 4707.09.** The department of agriculture may grant 12157  
apprentice auctioneers' licenses to those persons that are 12158  
determined to be qualified by the department. Every applicant 12159  
for an apprentice auctioneer's license shall pass an examination 12160  
relating to the skills, knowledge, and statutes and rules 12161  
governing auctioneers. Every applicant for an apprentice 12162  
auctioneer's license shall furnish to the department, on forms 12163  
provided by the department, satisfactory proof that the 12164  
applicant: 12165

(A) Has a good reputation; 12166

(B) Is of trustworthy character; 12167

(C) Has attained the age of at least eighteen years; 12168

(D) Has obtained a written promise of a licensed 12169  
auctioneer to sponsor the applicant during the applicant's 12170  
apprenticeship; 12171

(E) Has satisfied the financial responsibility 12172  
requirements established under section 4707.11 of the Revised 12173  
Code if applicable; 12174

(F) Has successfully completed a course of study in 12175  
auctioneering at an institution that is approved by the state 12176  
auctioneers commission. 12177

Before an apprentice may take the auctioneer's license 12178  
examination, the apprentice shall serve an apprenticeship of at 12179  
least twelve months and participate as a bid caller in at least 12180

twelve auction sales under the direct supervision of the 12181  
sponsoring licensed auctioneer, which auctions shall be 12182  
certified by the licensed auctioneer on the apprentice's 12183  
application for an auctioneer's license. No apprentice 12184  
auctioneer shall be under the sponsorship of more than one 12185  
licensed auctioneer at one time. 12186

If an auctioneer intends to terminate sponsorship of an 12187  
apprentice auctioneer, the sponsoring auctioneer shall notify 12188  
the apprentice auctioneer of the sponsoring auctioneer's 12189  
intention by certified mail, return receipt requested, at least 12190  
ten days prior to the effective date of termination and, at the 12191  
same time, shall deliver or mail by certified mail to the 12192  
department a copy of the termination notice and the license of 12193  
the apprentice auctioneer. No apprentice auctioneer shall 12194  
perform any acts under authority of the apprentice's license 12195  
after the effective date of the termination until the apprentice 12196  
receives a new license. No more than one license shall be issued 12197  
to any apprentice auctioneer for the same period of time. 12198

No licensed auctioneer shall have under the licensed 12199  
auctioneer's sponsorship more than two apprentice auctioneers at 12200  
one time. No auctioneer shall sponsor an apprentice auctioneer 12201  
if the auctioneer has not been licensed and in good standing for 12202  
a period of at least two years immediately before sponsoring the 12203  
apprentice auctioneer. A sponsoring auctioneer whose license is 12204  
suspended or revoked shall send to the department the apprentice 12205  
auctioneer's license not later than fourteen days after the 12206  
suspension or revocation. If a sponsoring auctioneer's license 12207  
is suspended or revoked, the apprentice auctioneer shall obtain 12208  
a written promise of sponsorship from another licensed 12209  
auctioneer before performing any acts under the authority of an 12210  
apprentice auctioneer's license. The apprentice auctioneer shall 12211

send a copy of the written promise of sponsorship of another 12212  
auctioneer to the department. If the department receives a copy 12213  
of such a written promise of sponsorship and the apprentice pays 12214  
the fee established by the department, the department shall 12215  
issue a new license to the apprentice. 12216

An apprentice auctioneer may terminate the apprentice's 12217  
sponsorship with an auctioneer by notifying the auctioneer of 12218  
the apprentice's intention by certified mail, return receipt 12219  
requested, at least ten days prior to the effective date of 12220  
termination. At the same time, the apprentice shall deliver or 12221  
mail by certified mail to the department a copy of the 12222  
termination notice. Upon receiving the termination notice, the 12223  
sponsoring auctioneer shall promptly deliver or mail by 12224  
certified mail to the department the license of the apprentice 12225  
auctioneer. 12226

The termination of a sponsorship, regardless of who 12227  
initiates the termination, shall not be cause for an apprentice 12228  
auctioneer to lose credit for any certified auctions in which 12229  
the apprentice participated as a bid caller or apprenticeship 12230  
time the apprentice served under the direct supervision of the 12231  
former sponsor. 12232

The department shall issue an apprentice auctioneer's 12233  
license in accordance with section 9.79 of the Revised Code to 12234  
an applicant if either of the following applies: 12235

(1) The applicant holds an apprentice auctioneer's license 12236  
in another state, provided that the applicant meets the 12237  
requirement of division (D) of this section. 12238

(2) The applicant has satisfactory work experience, a 12239  
government certification, or a private certification as 12240

described in that section as an apprentice auctioneer in a state 12241  
that does not issue that license, provided that the applicant 12242  
meets the requirement of division (D) of this section. 12243

**Sec. 4709.07.** (A) Each person who desires to obtain an 12244  
initial license to practice barbering shall apply to the state 12245  
cosmetology and barber board, on forms provided by the board. 12246  
The application form shall include the name of the person 12247  
applying for the license and evidence that the applicant meets 12248  
all of the requirements of division (B) of this section. The 12249  
application shall be accompanied by two signed current 12250  
photographs of the applicant, in the size determined by the 12251  
board, that show only the head and shoulders of the applicant, 12252  
and the examination application fee. 12253

(B) In order to take the required barber examination and 12254  
to qualify for licensure as a barber, an applicant must 12255  
demonstrate that the applicant meets all of the following: 12256

(1) Is of good moral character; 12257

(2) Is at least eighteen years of age; 12258

(3) Has an eighth grade education or an equivalent 12259  
education as determined by the state board of education in the 12260  
state where the applicant resides; 12261

(4) Has graduated with at least one thousand eight hundred 12262  
hours of training from a board-approved barber school or has 12263  
graduated with at least one thousand hours of training from a 12264  
board-approved barber school in this state and has a current 12265  
cosmetology or hair designer license issued pursuant to Chapter 12266  
4713. of the Revised Code. No hours of instruction earned by an 12267  
applicant five or more years prior to the examination apply to 12268  
the hours of study required by this division. 12269

(C) Any applicant who meets all of the requirements of 12270  
divisions (A) and (B) of this section may take the barber 12271  
examination at the time and place specified by the board. If the 12272  
applicant fails to attain at least a seventy-five per cent pass 12273  
rate on each part of the examination, the applicant is 12274  
ineligible for licensure; however, the applicant may reapply for 12275  
examination within ninety days after the date of the release of 12276  
the examination scores by paying the required reexamination fee. 12277  
An applicant is only required to take that part or parts of the 12278  
examination on which the applicant did not receive a score of 12279  
seventy-five per cent or higher. If the applicant fails to 12280  
reapply for examination within ninety days or fails the second 12281  
examination, in order to reapply for examination for licensure 12282  
the applicant shall complete an additional course of study of 12283  
not less than two hundred hours, in a board-approved barber 12284  
school. The board shall provide to an applicant, upon request, a 12285  
report which explains the reasons for the applicant's failure to 12286  
pass the examination. 12287

(D) The board shall issue a license to practice barbering 12288  
to any applicant who, to the satisfaction of the board, meets 12289  
the requirements of divisions (A) and (B) of this section, who 12290  
passes the required examination, and pays the initial licensure 12291  
fee. Every licensed barber shall display the certificate of 12292  
licensure in a conspicuous place adjacent to or near the 12293  
licensed barber's work chair, along with a signed current 12294  
photograph, in the size determined by the board, showing head 12295  
and shoulders only. 12296

(E) The board shall issue a license to practice barbering 12297  
in accordance with section 9.79 of the Revised Code to an 12298  
applicant if either of the following applies: 12299

(1) The applicant holds a license to practice barbering in 12300  
another state. 12301

(2) The applicant has satisfactory work experience, a 12302  
government certification, or a private certification as 12303  
described in that section as a barber in a state that does not 12304  
issue that license. 12305

**Sec. 4709.08.** Any person who holds a current license or 12306  
registration to practice as a barber in any other ~~state or~~ 12307  
~~district of the United States or~~ country whose requirements for 12308  
licensure or registration of barbers are substantially 12309  
equivalent to the requirements of this chapter and rules adopted 12310  
under it and that extends similar reciprocity to persons 12311  
licensed as barbers in this state may apply to the state 12312  
cosmetology and barber board for a barber license. The board 12313  
shall, without examination, unless the board determines to 12314  
require an examination, issue a license to practice as a 12315  
licensed barber in this state if the person meets the 12316  
requirements of this section, is at least eighteen years of age 12317  
and of good moral character, and pays the required fees. The 12318  
board may waive any of the requirements of this section. 12319

**Sec. 4709.10.** (A) Each person who desires to obtain a 12320  
license to operate a barber school shall apply to the state 12321  
cosmetology and barber board, on forms provided by the board. 12322  
The board shall issue a barber school license to a person if the 12323  
board determines that the person meets and will comply with all 12324  
of the requirements of division (B) of this section and pays the 12325  
required licensure and inspection fees. 12326

(B) In order for a person to qualify for a license to 12327  
operate a barber school, the barber school to be operated by the 12328  
person must meet all of the following requirements: 12329

- (1) Have a training facility sufficient to meet the 12330  
required educational curriculum established by the board, 12331  
including enough space to accommodate all the facilities and 12332  
equipment required by rule by the board; 12333
- (2) Provide sufficient licensed teaching personnel to meet 12334  
the minimum pupil-teacher ratio established by rule of the 12335  
board; 12336
- (3) Have established and provide to the board proof that 12337  
it has met all of the board requirements to operate a barber 12338  
school, as adopted by rule of the board; 12339
- (4) File with the board a program of its curriculum, 12340  
accounting for not less than one thousand eight hundred hours of 12341  
instruction in the courses of theory and practical demonstration 12342  
required by rule of the board; 12343
- (5) File with the board a surety bond in the amount of ten 12344  
thousand dollars issued by a bonding company licensed to do 12345  
business in this state. The bond shall be in the form prescribed 12346  
by the board and conditioned upon the barber school's continued 12347  
instruction in the theory and practice of barbering. The bond 12348  
shall continue in effect until notice of its termination is 12349  
provided to the board. In no event, however, shall the bond be 12350  
terminated while the barber school is in operation. Any student 12351  
who is injured or damaged by reason of a barber school's failure 12352  
to continue instruction in the theory and practice of barbering 12353  
may maintain an action on the bond against the barber school or 12354  
the surety, or both, for the recovery of any money or tuition 12355  
paid in advance for instruction in the theory and practice of 12356  
barbering which was not received. The aggregate liability of the 12357  
surety to all students shall not exceed the sum of the bond. 12358

- (6) Maintain adequate record keeping to ensure that it has met the requirements for records of student progress as required by board rule;
- (7) Establish minimum standards for acceptance of student applicants for admission to the barber school. The barber school may establish entrance requirements which are more stringent than those prescribed by the board, but the requirements must at a minimum require the applicant to meet all of the following:
- (a) Be at least seventeen years of age;
  - (b) Be of good moral character;
  - (c) Have an eighth grade education, or an equivalent education as determined by the state board of education;
  - (d) Submit two signed current photographs of the applicant, in the size determined by the board.
- (8) Have a procedure to submit every student applicant's admission application to the board for the board's review and approval prior to the applicant's admission to the barber school;
- (9) Operate in a manner which reflects credit upon the barbering profession;
- (10) Offer a curriculum of study which covers all aspects of the scientific fundamentals of barbering as specified by rule of the board;
- (11) Employ no more than two licensed assistant barber teachers for each licensed barber teacher employed or fewer than two licensed teachers or one licensed teacher and one licensed assistant teacher at each facility.



(C) Each person who desires to obtain a barber teacher or 12386  
assistant barber teacher license shall apply to the board, on 12387  
forms provided by the board. ~~The~~ 12388

Except as provided in division (D) of this section, the 12389  
board shall only issue a barber teacher license to a person who 12390  
meets all of the following requirements: 12391

(1) Holds a current barber license issued pursuant to this 12392  
chapter and has at least eighteen months of work experience in a 12393  
licensed barber shop or has been employed as an assistant barber 12394  
teacher under the supervision of a licensed barber teacher for 12395  
at least one year, unless, for good cause, the board waives this 12396  
requirement; 12397

(2) Meets such other requirements as adopted by rule by 12398  
the board; 12399

(3) Passes the required examination; and 12400

(4) Pays the required fees. If an applicant fails to pass 12401  
the examination, the applicant may reapply for the examination 12402  
and licensure no earlier than one year after the failure to pass 12403  
and provided that during that period, the applicant remains 12404  
employed as an assistant barber teacher. 12405

~~The~~ Except as provided in division (D) of this section, 12406  
the board shall only issue an assistant barber teacher license 12407  
to a person who holds a current barber license issued pursuant 12408  
to this chapter and pays the required fees. 12409

(D) The board shall issue a barber teacher or assistant 12410  
barber teacher license in accordance with section 9.79 of the 12411  
Revised Code to an applicant if either of the following applies: 12412

(1) The applicant holds a barber teacher or assistant 12413

barber teacher license, as applicable, in another state. 12414

(2) The applicant has satisfactory work experience, a 12415  
government certification, or a private certification as 12416  
described in that section as a barber teacher or assistant 12417  
barber teacher, as applicable, in a state that does not issue 12418  
the applicable license. 12419

(E) Any person who meets the qualifications of an 12420  
assistant teacher pursuant to division (C) or (D) of this 12421  
section, may be employed as an assistant teacher, provided that 12422  
within five days after the commencement of the employment the 12423  
barber school submits to the board, on forms provided by the 12424  
board, the applicant's qualifications. 12425

**Sec. 4712.02.** (A) (1) A credit services organization shall 12426  
file a registration application with, and receive a certificate 12427  
of registration from, the division of financial institutions 12428  
before conducting business in this state. ~~The~~ Except as provided 12429  
in division (A) (2) of this section, the registration application 12430  
shall be accompanied by a one-hundred-dollar fee and shall 12431  
contain all of the following information: 12432

~~(1)~~ (a) The name and address of the credit services 12433  
organization; 12434

~~(2)~~ (b) The name and address of any person that directly 12435  
or indirectly owns or controls ten per cent or more of the 12436  
outstanding shares of stock in the organization; 12437

~~(3)~~ (c) Either of the following: 12438

~~(a)~~ (i) A full and complete disclosure of any litigation 12439  
commenced against the organization or unresolved complaint that 12440  
relates to the operation of the organization and that is filed 12441  
with the attorney general, the secretary of state, or any other 12442

governmental authority of the United States, this state, or any 12443  
other state of the United States; 12444

~~(b)~~ (ii) A notarized statement stating that no litigation 12445  
has been commenced and no unresolved complaint relating to the 12446  
operation of the organization has been filed with the attorney 12447  
general, the secretary of state, or any other governmental 12448  
authority of the United States, this state, or any other state 12449  
of the United States. 12450

~~(4)~~ (d) Any other information required at any time by the 12451  
division. 12452

(2) The division shall issue a certificate of registration 12453  
in accordance with section 9.79 of the Revised Code to an 12454  
applicant if either of the following applies: 12455

(a) The applicant holds a license or certificate as a 12456  
credit services organization in another state. 12457

(b) The applicant has satisfactory work experience, a 12458  
government certification, or a private certification as 12459  
described in that section as a credit services organization in a 12460  
state that does not issue that license or certificate. 12461

(B) (1) Except as ~~otherwise~~ provided in division (B) (2) of 12462  
this section, each credit services organization shall notify the 12463  
division in writing within thirty days after the date of a 12464  
change in the information required by division (A) of this 12465  
section. 12466

(2) Each organization shall notify the division in writing 12467  
no later than thirty days prior to any change in the information 12468  
required by division (A) (1) or (2) of this section and shall 12469  
receive approval from the division before making any such 12470  
change. 12471

(C) (1) A credit services organization shall attach both of 12472  
the following to the registration application submitted pursuant 12473  
to division (A) of this section: 12474

(a) A copy of the contract that the organization intends 12475  
to execute with its customers; 12476

(b) Evidence of the bond required under section 4712.06 of 12477  
the Revised Code. 12478

(2) Any modification made to the contract described in 12479  
division (C) (1) (a) of this section shall be filed with the 12480  
division prior to its use by the organization. 12481

(D) Each credit services organization registering under 12482  
this section shall maintain a copy of the registration 12483  
application in its files. The organization shall allow a buyer 12484  
to inspect the registration application upon request. 12485

(E) Each nonresident credit services organization 12486  
registering under this section shall designate and maintain a 12487  
resident of this state as the organization's statutory agent for 12488  
purposes of receipt of service of process. 12489

(F) If, in order to issue a certificate of registration to 12490  
a credit services organization, investigation by the division 12491  
outside this state is necessary, the division may require the 12492  
organization to advance sufficient funds to pay the actual 12493  
expenses of the investigation. 12494

(G) Each credit services organization registering under 12495  
this section shall use no more than one fictitious or trade 12496  
name. 12497

(H) (1) A certificate of registration issued by the 12498  
division pursuant to this section shall expire annually on the 12499

thirtieth day of April, or annually on a different date 12500  
established by the superintendent pursuant to section 1181.23 of 12501  
the Revised Code. 12502

(2) A credit services organization may renew its 12503  
certificate of registration by filing with the division a 12504  
renewal application accompanied by a one-hundred-dollar renewal 12505  
fee. 12506

(I) All money collected by the division pursuant to this 12507  
section shall be deposited by it in the state treasury to the 12508  
credit of the consumer finance fund. 12509

(J) (1) No credit services organization shall fail to 12510  
comply with division (A) of this section. 12511

(2) No credit services organization shall fail to comply 12512  
with division (B), (D), (E), (F), or (G) of this section. 12513

**Sec. 4713.10.** (A) The state cosmetology and barber board 12514  
shall charge and collect the following fees: 12515

(1) For a temporary pre-examination work permit under 12516  
section 4713.22 of the Revised Code, not more than fifteen 12517  
dollars; 12518

(2) For initial application to take an examination under 12519  
section 4713.24 of the Revised Code, not more than forty 12520  
dollars; 12521

(3) For application to take an examination under section 12522  
4713.24 of the Revised Code by an applicant who has previously 12523  
applied to take, but failed to appear for, the examination, not 12524  
more than fifty-five dollars; 12525

(4) For application to re-take an examination under 12526  
section 4713.24 of the Revised Code by an applicant who has 12527

previously appeared for, but failed to pass, the examination,	12528
not more than forty dollars;	12529
(5) For the issuance of a license <u>by examination</u> under	12530
section 4713.28, 4713.30, or 4713.31 of the Revised Code, not	12531
more than seventy-five dollars;	12532
(6) For the issuance of a license under section 4713.34 of	12533
the Revised Code, not more than seventy dollars;	12534
(7) For renewal of a license issued under section 4713.28,	12535
4713.30, 4713.31, or 4713.34 of the Revised Code, not more than	12536
seventy dollars;	12537
(8) For the issuance or renewal of a cosmetology school	12538
license, not more than two hundred fifty dollars;	12539
(9) For the issuance of a new salon license or the change	12540
of name or ownership of a salon license under section 4713.41 of	12541
the Revised Code, not more than one hundred dollars;	12542
(10) For the renewal of a salon license under section	12543
4713.41 of the Revised Code, not more than ninety dollars;	12544
(11) For the restoration of an expired license that may be	12545
restored pursuant to section 4713.63 of the Revised Code, an	12546
amount equal to the sum of the current license renewal fee and a	12547
lapsed renewal fee of not more than forty-five dollars per	12548
license renewal period that has elapsed since the license was	12549
last issued or renewed;	12550
(12) For the issuance of a duplicate of any license, not	12551
more than thirty dollars;	12552
(13) For the preparation and mailing of a licensee's	12553
records to another state for a reciprocity license, not more	12554
than fifty dollars;	12555

(14) For the processing of any fees related to a check 12556  
from a licensee returned to the board for insufficient funds, an 12557  
additional thirty dollars. 12558

(B) The board shall adjust the fees biennially, by rule, 12559  
within the limits established by division (A) of this section, 12560  
to provide sufficient revenues to meet its expenses. 12561

(C) The board may establish an installment plan for the 12562  
payment of fines and fees and may reduce fees as considered 12563  
appropriate by the board. 12564

(D) At the request of a person who is temporarily unable 12565  
to pay a fee imposed under division (A) of this section, or on 12566  
its own motion, the board may extend the date payment is due by 12567  
up to ninety days. If the fee remains unpaid after the date 12568  
payment is due, the amount of the fee shall be certified to the 12569  
attorney general for collection in the form and manner 12570  
prescribed by the attorney general. The attorney general may 12571  
assess the collection cost to the amount certified in such a 12572  
manner and amount as prescribed by the attorney general. 12573

**Sec. 4713.28.** (A) The state cosmetology and barber board 12574  
shall issue a practicing license to an applicant who satisfies 12575  
all of the following applicable conditions: 12576

(1) Is at least sixteen years of age; 12577

(2) Is of good moral character; 12578

(3) Has the equivalent of an Ohio public school tenth 12579  
grade education; 12580

(4) Has submitted a written application on a form 12581  
furnished by the board that contains all of the following: 12582

(a) The name of the individual and any other identifying 12583

information required by the board; 12584

(b) A recent photograph of the individual that meets the 12585  
specifications established by the board; 12586

(c) A photocopy of the individual's current driver's 12587  
license or other proof of legal residence; 12588

(d) Proof that the individual is qualified to take the 12589  
applicable examination as required by section 4713.20 of the 12590  
Revised Code; 12591

(e) An oath verifying that the information in the 12592  
application is true; 12593

(f) The applicable application fee. 12594

(5) Passes an examination conducted under division (A) of 12595  
section 4713.24 of the Revised Code for the branch of 12596  
cosmetology the applicant seeks to practice; 12597

(6) Pays to the board the applicable license fee; 12598

(7) In the case of an applicant for an initial 12599  
cosmetologist license, has successfully completed at least one 12600  
thousand five hundred hours of board-approved cosmetology 12601  
training in a school of cosmetology licensed in this state, 12602  
except that only one thousand hours of board-approved 12603  
cosmetology training in a school of cosmetology licensed in this 12604  
state is required of an individual licensed as a barber under 12605  
Chapter 4709. of the Revised Code; 12606

(8) In the case of an applicant for an initial esthetician 12607  
license, has successfully completed at least six hundred hours 12608  
of board-approved esthetics training in a school of cosmetology 12609  
licensed in this state; 12610



(9) In the case of an applicant for an initial hair  
designer license, has successfully completed at least one  
thousand two hundred hours of board-approved hair designer  
training in a school of cosmetology licensed in this state,  
except that only one thousand hours of board-approved hair  
designer training in a school of cosmetology licensed in this  
state is required of an individual licensed as a barber under  
Chapter 4709. of the Revised Code;

(10) In the case of an applicant for an initial manicurist  
license, has successfully completed at least two hundred hours  
of board-approved manicurist training in a school of cosmetology  
licensed in this state;

(11) In the case of an applicant for an initial natural  
hair stylist license, has successfully completed at least four  
hundred fifty hours of instruction in subjects relating to  
sanitation, scalp care, anatomy, hair styling, communication  
skills, and laws and rules governing the practice of  
cosmetology.

(B) The board shall not deny a license to any applicant  
based on prior incarceration or conviction for any crime. If the  
board denies an individual a license or license renewal, the  
reasons for such denial shall be put in writing.

(C) The board shall issue a practicing license in a branch  
of cosmetology in accordance with section 9.79 of the Revised  
Code to an applicant if either of the following applies:

(1) The applicant holds a license in that branch of  
cosmetology in another state.

(2) The applicant has satisfactory work experience, a  
government certification, or a private certification as

described in that section in that branch of cosmetology in a 12640  
state that does not issue that license. 12641

**Sec. 4713.30.** ~~The~~ (A) Except as provided in division (B) 12642  
of this section, the state cosmetology and barber board shall 12643  
issue an advanced license to an applicant who satisfies all of 12644  
the following applicable conditions: 12645

~~(A)~~ (1) Is at least sixteen years of age; 12646

~~(B)~~ (2) Is of good moral character; 12647

~~(C)~~ (3) Has the equivalent of an Ohio public school tenth 12648  
grade education; 12649

~~(D)~~ (4) Pays to the board the applicable fee; 12650

~~(E)~~ (5) Passes the appropriate advanced license 12651  
examination; 12652

~~(F)~~ (6) In the case of an applicant for an initial 12653  
advanced cosmetologist license, does either of the following: 12654

~~(1)~~ (a) Has a licensed advanced cosmetologist or owner of 12655  
a licensed beauty salon located in this or another state certify 12656  
to the board that the applicant has practiced as a cosmetologist 12657  
for at least one thousand eight hundred hours in a licensed 12658  
beauty salon; 12659

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12660  
certify to the board that the applicant has successfully 12661  
completed, in addition to the hours required for licensure as a 12662  
cosmetologist, at least three hundred hours of board-approved 12663  
advanced cosmetologist training. 12664

~~(G)~~ (7) In the case of an applicant for an initial 12665  
advanced esthetician license, does either of the following: 12666

~~(1)~~ (a) Has the licensed advanced esthetician, licensed 12667  
advanced cosmetologist, or owner of a licensed esthetics salon 12668  
or licensed beauty salon located in this or another state 12669  
certify to the board that the applicant has practiced esthetics 12670  
for at least one thousand eight hundred hours as an esthetician 12671  
in a licensed esthetics salon or as a cosmetologist in a 12672  
licensed beauty salon; 12673

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12674  
certify to the board that the applicant has successfully 12675  
completed, in addition to the hours required for licensure as an 12676  
esthetician or cosmetologist, at least one hundred fifty hours 12677  
of board-approved advanced esthetician training. 12678

~~(H)~~ (8) In the case of an applicant for an initial 12679  
advanced hair designer license, does either of the following: 12680

~~(1)~~ (a) Has the licensed advanced hair designer, licensed 12681  
advanced cosmetologist, or owner of a licensed hair design salon 12682  
or licensed beauty salon located in this or another state 12683  
certify to the board that the applicant has practiced hair 12684  
design for at least one thousand eight hundred hours as a hair 12685  
designer in a licensed hair design salon or as a cosmetologist 12686  
in a licensed beauty salon; 12687

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12688  
certify to the board that the applicant has successfully 12689  
completed, in addition to the hours required for licensure as a 12690  
hair designer or cosmetologist, at least two hundred forty hours 12691  
of board-approved advanced hair designer training. 12692

~~(I)~~ (9) In the case of an applicant for an initial 12693  
advanced manicurist license, does either of the following: 12694

~~(1)~~ (a) Has the licensed advanced manicurist, licensed 12695

advanced cosmetologist, or owner of a licensed nail salon, 12696  
licensed beauty salon, or licensed barber shop located in this 12697  
or another state certify to the board that the applicant has 12698  
practiced manicuring for at least one thousand eight hundred 12699  
hours as a manicurist in a licensed nail salon or licensed 12700  
barber shop or as a cosmetologist in a licensed beauty salon or 12701  
licensed barber shop; 12702

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12703  
certify to the board that the applicant has successfully 12704  
completed, in addition to the hours required for licensure as a 12705  
manicurist or cosmetologist, at least one hundred hours of 12706  
board-approved advanced manicurist training. 12707

~~(7)~~ (10) In the case of an applicant for an initial 12708  
advanced natural hair stylist license, does either of the 12709  
following: 12710

~~(1)~~ (a) Has the licensed advanced natural hair stylist, 12711  
licensed advanced cosmetologist, or owner of a licensed natural 12712  
hair style salon or licensed beauty salon located in this or 12713  
another state certify to the board that the applicant has 12714  
practiced natural hair styling for at least one thousand eight 12715  
hundred hours as a natural hair stylist in a licensed natural 12716  
hair style salon or as a cosmetologist in a licensed beauty 12717  
salon; 12718

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12719  
certify to the board that the applicant has successfully 12720  
completed, in addition to the hours required for licensure as 12721  
natural hair stylist or cosmetologist, at least one hundred 12722  
fifty hours of board-approved advanced natural hair stylist 12723  
training. 12724

(B) The board shall issue an advanced license in a branch 12725  
of cosmetology in accordance with section 9.79 of the Revised 12726  
Code to an applicant if either of the following applies: 12727

(1) The applicant holds an advanced license in that branch 12728  
of cosmetology in another state. 12729

(2) The applicant has satisfactory work experience, a 12730  
government certification, or a private certification as 12731  
described in that section in that branch of cosmetology in a 12732  
state that does not issue that license. 12733

**Sec. 4713.31.** (A) The state cosmetology and barber board 12734  
shall issue an instructor license to an applicant who satisfies 12735  
all of the following applicable conditions: 12736

~~(A)~~ (1) Is at least eighteen years of age; 12737

~~(B)~~ (2) Is of good moral character; 12738

~~(C)~~ (3) Has the equivalent of an Ohio public school 12739  
twelfth grade education; 12740

~~(D)~~ (4) Pays to the board the applicable fee; 12741

~~(E)~~ (5) In the case of an applicant for an initial 12742  
cosmetology instructor license, holds a current, valid advanced 12743  
cosmetologist license issued in this state and does either of 12744  
the following: 12745

~~(1)~~ (a) Has the licensed advanced cosmetologist or owner 12746  
of the licensed beauty salon in which the applicant has been 12747  
employed certify to the board that the applicant has engaged in 12748  
the practice of cosmetology in a licensed beauty salon for at 12749  
least one thousand eight hundred hours; 12750

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12751

certify to the board that the applicant has successfully 12752  
completed one thousand hours of board-approved cosmetology 12753  
instructor training as an apprentice instructor. 12754

~~(F)~~ (6) In the case of an applicant for an initial 12755  
esthetics instructor license, holds a current, valid advanced 12756  
esthetician or advanced cosmetologist license issued in this 12757  
state and does either of the following: 12758

~~(1)~~ (a) Has the licensed advanced esthetician, licensed 12759  
advanced cosmetologist, or owner of the licensed esthetics salon 12760  
or licensed beauty salon in which the applicant has been 12761  
employed certify to the board that the applicant has engaged in 12762  
the practice of esthetics in a licensed esthetics salon or 12763  
practice of cosmetology in a licensed beauty salon for at least 12764  
one thousand eight hundred hours; 12765

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12766  
certify to the board that the applicant has successfully 12767  
completed at least five hundred hours of board-approved 12768  
esthetics instructor training as an apprentice instructor. 12769

~~(G)~~ (7) In the case of an applicant for an initial hair 12770  
design instructor license, holds a current, valid advanced hair 12771  
designer or advanced cosmetologist license and does either of 12772  
the following: 12773

~~(1)~~ (a) Has the licensed advanced hair designer, licensed 12774  
advanced cosmetologist, or owner of the licensed hair design 12775  
salon or licensed beauty salon in which the applicant has been 12776  
employed certify to the board that the applicant has engaged in 12777  
the practice of hair design in a licensed hair design salon or 12778  
practice of cosmetology in a licensed beauty salon for at least 12779  
one thousand eight hundred hours; 12780

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12781  
certify to the board that the applicant has successfully 12782  
completed at least eight hundred hours of board-approved hair 12783  
design instructor's training as an apprentice instructor. 12784

~~(H)~~ (8) In the case of an applicant for an initial 12785  
manicurist instructor license, holds a current, valid advanced 12786  
manicurist or advanced cosmetologist license and does either of 12787  
the following: 12788

~~(1)~~ (a) Has the licensed advanced manicurist, licensed 12789  
advanced cosmetologist, or owner of the licensed nail salon or 12790  
licensed beauty salon in which the applicant has been employed 12791  
certify to the board that the applicant has engaged in the 12792  
practice of manicuring in a licensed nail salon or practice of 12793  
cosmetology in a licensed beauty salon for at least one thousand 12794  
eight hundred hours; 12795

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12796  
certify to the board that the applicant has successfully 12797  
completed at least three hundred hours of board-approved 12798  
manicurist instructor training as an apprentice instructor. 12799

~~(I)~~ (9) In the case of an applicant for an initial natural 12800  
hair style instructor license, holds a current, valid advanced 12801  
natural hair stylist or advanced cosmetologist license and does 12802  
either of the following: 12803

~~(1)~~ (a) Has the licensed advanced natural hair stylist, 12804  
licensed advanced cosmetologist, or owner of the licensed 12805  
natural hair style salon or licensed beauty salon in which the 12806  
applicant has been employed certify to the board that the 12807  
applicant has engaged in the practice of natural hair styling in 12808  
a licensed natural hair style salon or practice of cosmetology 12809

in a licensed beauty salon for at least one thousand eight 12810  
hundred hours; 12811

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12812  
certify to the board that the applicant has successfully 12813  
completed at least four hundred hours of board-approved natural 12814  
hair style instructor training as an apprentice instructor. 12815

~~(J)~~ (10) In the case of all applicants, passes an 12816  
examination conducted under division (B) of section 4713.24 of 12817  
the Revised Code for the branch of cosmetology the applicant 12818  
seeks to instruct. 12819

(B) The board shall issue an instructor license for a 12820  
branch of cosmetology in accordance with section 9.79 of the 12821  
Revised Code to an applicant if either of the following applies: 12822

(1) The applicant holds an instructor license in that 12823  
branch of cosmetology in another state. 12824

(2) The applicant has satisfactory work experience, a 12825  
government certification, or a private certification as 12826  
described in that section as an instructor in that branch of 12827  
cosmetology in a state that does not issue that license. 12828

**Sec. 4713.34.** The state cosmetology and barber board shall 12829  
issue a license to practice a branch of cosmetology or 12830  
instructor license to an applicant who is licensed or registered 12831  
in another ~~state or~~ country to practice that branch of 12832  
cosmetology or teach the theory and practice of that branch of 12833  
cosmetology, as appropriate, if all of the following conditions 12834  
are satisfied: 12835

(A) The applicant satisfies all of the following 12836  
conditions: 12837



(1) Is not less than eighteen years of age; 12838

(2) Is of good moral character; 12839

(3) In the case of an applicant for a practicing license, 12840  
passes an examination conducted under section 4713.24 of the 12841  
Revised Code for the license the applicant seeks, unless the 12842  
applicant satisfies conditions specified in rules adopted under 12843  
section 4713.08 of the Revised Code for the board to issue the 12844  
applicant a license without taking the examination; 12845

(4) Pays the applicable fee. 12846

(B) At the time the applicant obtained the license or 12847  
registration in the other ~~state or~~ country, the requirements in 12848  
this state for obtaining the license the applicant seeks were 12849  
substantially equal to the other ~~state or~~ country's 12850  
requirements. 12851

(C) The jurisdiction that issued the applicant's license 12852  
or registration extends similar reciprocity to individuals 12853  
holding a license issued by the board. 12854

**Sec. 4713.37.** (A) The state cosmetology and barber board 12855  
may issue a temporary special occasion work permit to an 12856  
individual who satisfies all of the following conditions: 12857

(1) Has been licensed or registered in another state or 12858  
country to practice a branch of cosmetology or teach the theory 12859  
and practice of a branch of cosmetology for at least five years; 12860

(2) Is a recognized expert in the practice or teaching of 12861  
the branch of cosmetology the individual practices or teaches; 12862

(3) Is to practice that branch of cosmetology or teach the 12863  
theory and practice of that branch of cosmetology in this state 12864  
as part of a promotional or instructional program for not more 12865

than the amount of time a temporary special occasion work permit 12866  
is effective; 12867

(4) Satisfies all other conditions for a temporary special 12868  
occasion work permit established by rules adopted under section 12869  
4713.08 of the Revised Code; 12870

(5) Pays the fee established by rules adopted under 12871  
section 4713.08 of the Revised Code. 12872

(B) An individual issued a temporary special occasion work 12873  
permit may practice the branch of cosmetology the individual 12874  
practices in another state or country, or teach the theory and 12875  
practice of the branch of cosmetology the individual teaches in 12876  
another state or country, until the expiration date of the 12877  
permit. A temporary special occasion work permit is valid for 12878  
the period of time specified in rules adopted under section 12879  
4713.08 of the Revised Code. 12880

(C) Section 9.79 of the Revised Code does not apply to a 12881  
temporary special occasion work permit issued under this 12882  
section. 12883

**Sec. 4713.69.** (A) The Except as provided in division (D) 12884  
of this section, the state cosmetology and barber board shall 12885  
issue a boutique services registration to an applicant who 12886  
satisfies all of the following applicable conditions: 12887

(1) Is at least sixteen years of age; 12888

(2) Is of good moral character; 12889

(3) Has the equivalent of an Ohio public school tenth 12890  
grade education; 12891

(4) Has submitted a written application on a form 12892  
prescribed by the board containing all of the following: 12893

(a) The applicant's name and home address;	12894
(b) The applicant's home telephone number and cellular telephone number, if any;	12895 12896
(c) The applicant's electronic mail address, if any;	12897
(d) The applicant's date of birth;	12898
(e) The address and telephone number where boutique services will be performed. The address shall not contain a post office box number.	12899 12900 12901
(f) Whether the applicant has an occupational license, certification, or registration to provide beauty services in another state, and if so, what type of license and in what state;	12902 12903 12904 12905
(g) Whether the applicant has ever had an occupational license, certification, or registration suspended, revoked, or denied in any state;	12906 12907 12908
(h) An affidavit or certificate providing proof of formal training or apprenticeship under an individual providing such services.	12909 12910 12911
(B) The place of business where boutique services are performed must comply with the safety and sanitation requirements for licensed salon facilities as described in section 4713.41 of the Revised Code.	12912 12913 12914 12915
(C) The board shall specify the manner by which boutique services registrants shall fulfill the continuing education requirements set forth in section 4713.09 of the Revised Code.	12916 12917 12918
<u>(D) The board shall issue a boutique services registration in accordance with section 9.79 of the Revised Code to an</u>	12919 12920

applicant if either of the following applies: 12921

(1) The applicant holds a license or registration in 12922  
providing boutique services in another state. 12923

(2) The applicant has satisfactory work experience, a 12924  
government certification, or a private certification as 12925  
described in that section in providing boutique services in a 12926  
state that does not issue that license or registration. 12927

**Sec. 4715.03.** (A) The state dental board shall organize by 12928  
electing from its members a president, secretary, and vice- 12929  
secretary. The secretary and vice-secretary shall be elected 12930  
from the members of the board who are dentists. It shall hold 12931  
meetings monthly at least eight months a year at such times and 12932  
places as the board designates. A majority of the members of the 12933  
board shall constitute a quorum. The board shall make such 12934  
reasonable rules as it determines necessary pursuant to Chapter 12935  
119. of the Revised Code. 12936

(B) A concurrence of a majority of the members of the 12937  
board shall be required to do any of the following: 12938

(1) Grant, refuse, suspend, place on probationary status, 12939  
revoke, refuse to renew, or refuse to reinstate a license or 12940  
censure a license holder or take any other action authorized 12941  
under section 4715.30 of the Revised Code; 12942

(2) Seek an injunction under section 4715.05 of the 12943  
Revised Code; 12944

(3) Enter into a consent agreement with a license holder; 12945

(4) If the board develops and implements the quality 12946  
intervention program under section 4715.031 of the Revised Code, 12947  
refer a license holder to the program; 12948

(5) Terminate an investigation conducted under division 12949  
(D) of this section; 12950

(6) Dismiss any complaint filed with the board. 12951

(C) (1) The board shall adopt rules in accordance with 12952  
Chapter 119. of the Revised Code to do both of the following: 12953

(a) Establish standards for the safe practice of dentistry 12954  
and dental hygiene by qualified practitioners and shall, through 12955  
its policies and activities, promote such practice; 12956

(b) Establish universal blood and body fluid precautions 12957  
that shall be used by each person licensed under this chapter 12958  
who performs exposure prone invasive procedures. 12959

(2) The rules adopted under division (C) (1) (b) of this 12960  
section shall define and establish requirements for universal 12961  
blood and body fluid precautions that include the following: 12962

(a) Appropriate use of hand washing; 12963

(b) Disinfection and sterilization of equipment; 12964

(c) Handling and disposal of needles and other sharp 12965  
instruments; 12966

(d) Wearing and disposal of gloves and other protective 12967  
garments and devices. 12968

(D) The board shall administer and enforce the provisions 12969  
of this chapter. The board shall, in accordance with sections 12970  
4715.032 to 4715.035 of the Revised Code, investigate evidence 12971  
which appears to show that any person has violated any provision 12972  
of this chapter. Any person may report to the board under oath 12973  
any information such person may have appearing to show a 12974  
violation of any provision of this chapter. In the absence of 12975

bad faith, any person who reports such information or who 12976  
testifies before the board in any disciplinary proceeding 12977  
conducted pursuant to Chapter 119. of the Revised Code is not 12978  
liable for civil damages as a result of making the report or 12979  
providing testimony. If after investigation and reviewing the 12980  
recommendation of the supervisory investigative panel issued 12981  
pursuant to section 4715.034 of the Revised Code the board 12982  
determines that there are reasonable grounds to believe that a 12983  
violation of this chapter has occurred, the board shall, except 12984  
as provided in this chapter, conduct disciplinary proceedings 12985  
pursuant to Chapter 119. of the Revised Code, seek an injunction 12986  
under section 4715.05 of the Revised Code, enter into a consent 12987  
agreement with a license holder, or provide for a license holder 12988  
to participate in the quality intervention program established 12989  
under section 4715.031 of the Revised Code if the board develops 12990  
and implements that program. 12991

For the purpose of any disciplinary proceeding or any 12992  
investigation conducted under this division, the board may 12993  
administer oaths, order the taking of depositions, issue 12994  
subpoenas in accordance with section 4715.033 of the Revised 12995  
Code, compel the attendance and testimony of persons at 12996  
depositions, and compel the production of books, accounts, 12997  
papers, documents, or other tangible things. The hearings and 12998  
investigations of the board shall be considered civil actions 12999  
for the purposes of section 2305.252 of the Revised Code. 13000  
Notwithstanding section 121.22 of the Revised Code and except as 13001  
provided in section 4715.036 of the Revised Code, proceedings of 13002  
the board relative to the investigation of a complaint or the 13003  
determination whether there are reasonable grounds to believe 13004  
that a violation of this chapter has occurred are confidential 13005  
and are not subject to discovery in any civil action. 13006

(E) (1) The board shall examine or cause to be examined 13007  
eligible applicants to practice dental hygiene. The board may 13008  
distinguish by rule different classes of qualified personnel 13009  
according to skill levels and require all or only certain of 13010  
these classes of qualified personnel to be examined and 13011  
certified by the board. 13012

(2) The board shall administer a written jurisprudence 13013  
examination to each applicant for a license to practice 13014  
dentistry. The examination shall cover only the statutes and 13015  
administrative rules governing the practice of dentistry in this 13016  
state. 13017

(F) (1) In accordance with Chapter 119. of the Revised 13018  
Code, subject to division (F) (2) of this section the board shall 13019  
adopt, and may amend or rescind, rules establishing the 13020  
eligibility criteria, the application and permit renewal 13021  
procedures, and safety standards applicable to a dentist 13022  
licensed under this chapter who applies for a permit to employ 13023  
or use conscious sedation. These rules shall include all of the 13024  
following: 13025

~~(1)~~ (a) The eligibility requirements and application 13026  
procedures for an eligible dentist to obtain a conscious 13027  
sedation permit; 13028

~~(2)~~ (b) The minimum educational and clinical training 13029  
standards required of applicants, which shall include 13030  
satisfactory completion of an advanced cardiac life support 13031  
course; 13032

~~(3)~~ (c) The facility equipment and inspection 13033  
requirements; 13034

~~(4)~~ (d) Safety standards; 13035

~~(5)-(e)~~ Requirements for reporting adverse occurrences. 13036

(2) The board shall issue a permit to employ or use 13037  
conscious sedation in accordance with section 9.79 of the 13038  
Revised Code to a dentist licensed under this chapter if either 13039  
of the following applies: 13040

(a) The dentist holds a license or permit to employ or use 13041  
conscious sedation in another state. 13042

(b) The dentist has satisfactory work experience, a 13043  
government certification, or a private certification as 13044  
described in that section in employing or using conscious 13045  
sedation in a state that does not issue that license. 13046

(G)(1) In accordance with Chapter 119. of the Revised 13047  
Code, subject to division (G)(2) of this section the board shall 13048  
adopt rules establishing eligibility criteria, application and 13049  
permit renewal procedures, and safety standards applicable to a 13050  
dentist licensed under this chapter who applies for a general 13051  
anesthesia permit. 13052

(2) The board shall issue a general anesthesia permit in 13053  
accordance with section 9.79 of the Revised Code to a dentist 13054  
licensed under this chapter if either of the following applies: 13055

(a) The dentist holds a general anesthesia license or 13056  
permit in another state. 13057

(b) The dentist has satisfactory work experience, a 13058  
government certification, or a private certification as 13059  
described in that section utilizing general anesthesia in a 13060  
state that does not issue that license or permit. 13061

**Sec. 4715.09.** (A) No person shall practice dentistry 13062  
without a current license from the state dental board. No person 13063



shall practice dentistry while the person's license is under 13064  
suspension by the state dental board. 13065

(B) No dentist shall use the services of any person not 13066  
licensed to practice dentistry in this state, or the services of 13067  
any partnership, corporation, or association, to construct, 13068  
alter, repair, or duplicate any denture, plate, bridge, splint, 13069  
or orthodontic or prosthetic appliance, without first furnishing 13070  
the unlicensed person, partnership, corporation, or association 13071  
with a written work authorization on forms prescribed by the 13072  
state dental board. 13073

The unlicensed person, partnership, corporation, or 13074  
association shall retain the original work authorization, and 13075  
the dentist shall retain a duplicate copy of the work 13076  
authorization, for two years from its date. Work authorizations 13077  
required by this section shall be open for inspection during the 13078  
two-year period by the state dental board, its authorized agent, 13079  
or the prosecuting attorney of a county or the director of law 13080  
of a municipal corporation wherein the work authorizations are 13081  
located. 13082

(C) If the person, partnership, association, or 13083  
corporation receiving a written authorization from a licensed 13084  
dentist engages another person, firm, or corporation, referred 13085  
to in this division as "subcontractor," to perform some of the 13086  
services relative to the work authorization, the person shall 13087  
furnish a written sub-work authorization with respect thereto on 13088  
forms prescribed by the state dental board. 13089

The subcontractor shall retain the sub-work authorization 13090  
and the issuer thereof shall retain a duplicate copy, attached 13091  
to the work authorization received from the licensed dentist, 13092  
for inspection by the state dental board or its duly authorized 13093

agents, for a period of two years in both cases. 13094

(D) No unlicensed person, partnership, association, or 13095  
corporation shall perform any service described in division (B) 13096  
of this section without a written work authorization from a 13097  
licensed dentist. Provided, that if a written work authorization 13098  
is demanded from a licensed dentist who fails or refuses to 13099  
furnish it for any reason, the unlicensed person, partnership, 13100  
association, or corporation shall not, in such event, be subject 13101  
to the enforcement provisions of section 4715.05 or the penal 13102  
provisions of section 4715.99 of the Revised Code. 13103

(E) No dentist shall employ or use conscious sedation 13104  
unless the dentist possesses a valid permit issued by the state 13105  
dental board authorizing the dentist to do so. 13106

(F) No dentist shall employ or use general anesthesia 13107  
unless the dentist possesses a valid permit issued by the state 13108  
dental board authorizing the dentist to do so. 13109

(G) Division (A) of this section does not apply to a 13110  
person who meets both of the following conditions: 13111

(1) The person holds a license in good standing to 13112  
practice dentistry issued by another state. 13113

(2) The person is practicing as a volunteer without 13114  
remuneration during a charitable event that lasts not more than 13115  
seven days. 13116

When a person meets the conditions of this division, the 13117  
person shall be deemed to hold, for the course of the charitable 13118  
event, a license to practice dentistry from the state dental 13119  
board and shall be subject to the provisions of this chapter 13120  
authorizing the board to take disciplinary action against a 13121  
license holder. Not less than seven calendar days before the 13122

first day of the charitable event, the person or the event's 13123  
organizer shall notify the board of the person's intent to 13124  
engage in the practice of dentistry at the event. During the 13125  
course of the charitable event, the person's scope of practice 13126  
is limited to the procedures that a dentist licensed under this 13127  
chapter is authorized to perform unless the person's scope of 13128  
practice in the other state is more restrictive than in this 13129  
state. If the latter is the case, the person's scope of practice 13130  
is limited to the procedures that a dentist in the other state 13131  
may perform. Section 9.79 of the Revised Code does not apply to 13132  
this division. 13133

**Sec. 4715.10.** (A) As used in this section, "accredited 13134  
dental college" means a dental college accredited by the 13135  
commission on dental accreditation or a dental college that has 13136  
educational standards recognized by the commission on dental 13137  
accreditation and is approved by the state dental board. 13138

(B) Each person who desires to practice dentistry in this 13139  
state shall file a written application for a license with the 13140  
secretary of the state dental board. The application shall be on 13141  
a form prescribed by the board and verified by oath. ~~Each~~ Except 13142  
as provided in division (F) of this section, each applicant 13143  
shall furnish satisfactory proof to the board that the applicant 13144  
has met the requirements of divisions (C) and (D) of this 13145  
section, and if the applicant is a graduate of an unaccredited 13146  
dental college located outside the United States, division (E) 13147  
of this section. 13148

(C) To be granted a license to practice dentistry, an 13149  
applicant must meet all of the following requirements: 13150

(1) Be at least eighteen years of age; 13151

(2) Be of good moral character;	13152
(3) Be a graduate of an accredited dental college or of a dental college located outside the United States who meets the standards adopted under section 4715.11 of the Revised Code;	13153 13154 13155
(4) Have passed parts I and II of the examination given by the national board of dental examiners;	13156 13157
(5) Have passed a written jurisprudence examination administered by the state dental board under division (E) (2) of section 4715.03 of the Revised Code;	13158 13159 13160
(6) Pay the fee required by division (A) (1) of section 4715.13 of the Revised Code.	13161 13162
(D) To be granted a license to practice dentistry, an applicant must meet any one of the following requirements:	13163 13164
(1) Have taken an examination administered by any of the following regional testing agencies and received a passing score on the examination as determined by the administering agency: the central regional dental testing service, inc., northeast regional board of dental examiners, inc., the commission on dental competency assessments, the southern regional dental testing agency, inc., the council of interstate testing agencies, inc., or the western regional examining board;	13165 13166 13167 13168 13169 13170 13171 13172
(2) Have taken an examination administered by the state dental board and received a passing score as established by the board;	13173 13174 13175
<del>(3) Possess a license in good standing from another state and have actively engaged in the legal and reputable practice of dentistry in another state or in the armed forces of the United States, the United States public health service, or the United</del>	13176 13177 13178 13179

~~States department of veterans' affairs for five years~~ 13180  
~~immediately preceding application;~~ 13181

~~(4)~~ Have completed a dental residency program accredited 13182  
or approved by the commission on dental accreditation and 13183  
administered by an accredited dental college or hospital. 13184

(E) To be granted a license to practice dentistry, a 13185  
graduate of an unaccredited dental college located outside the 13186  
United States must meet both of the following requirements: 13187

(1) Have taken a basic science and laboratory examination 13188  
consistent with rules adopted under section 4715.11 of the 13189  
Revised Code and received a passing score as established by the 13190  
board; 13191

(2) Have had sufficient clinical training in an accredited 13192  
institution to reasonably assure a level of competency equal to 13193  
that of graduates of accredited dental colleges, as determined 13194  
by the board. 13195

(F) The board shall grant a license to practice dentistry 13196  
in accordance with section 9.79 of the Revised Code to an 13197  
applicant if either of the following applies: 13198

(1) The applicant holds a license to practice dentistry in 13199  
another state. 13200

(2) The applicant has satisfactory work experience, a 13201  
government certification, or a private certification as 13202  
described in that section in the practice of dentistry in a 13203  
state that does not issue that license. 13204

**Sec. 4715.16.** (A) Upon payment of a fee of thirteen 13205  
dollars, the state dental board may without examination issue a 13206  
limited resident's license to any person who is a graduate of a 13207

dental college, is authorized to practice in another ~~state or~~ 13208  
country or qualified to take the regular licensing examination 13209  
in this state, and furnishes the board satisfactory proof of 13210  
having been appointed a dental resident at an accredited dental 13211  
college in this state or at an accredited program of a hospital 13212  
in this state, but has not yet been licensed as a dentist by the 13213  
board. Any person receiving a limited resident's license may 13214  
practice dentistry only in connection with programs operated by 13215  
the dental college or hospital at which the person is appointed 13216  
as a resident as designated on the person's limited resident's 13217  
license, and only under the direction of a licensed dentist who 13218  
is a member of the dental staff of the college or hospital or a 13219  
dentist holding a current limited teaching license issued under 13220  
division (B) of this section, and only on bona fide patients of 13221  
such programs. The holder of a limited resident's license may be 13222  
disciplined by the board pursuant to section 4715.30 of the 13223  
Revised Code. The board shall issue a limited resident's license 13224  
in accordance with section 9.79 of the Revised Code to an 13225  
applicant if either of the following applies: 13226

(1) The applicant holds a license to practice dentistry in 13227  
another state. 13228

(2) The applicant has satisfactory work experience, a 13229  
government certification, or a private certification as 13230  
described in that section in the practice of dentistry in a 13231  
state that does not issue that license. 13232

(B) Upon payment of one hundred twenty-seven dollars and 13233  
upon application endorsed by an accredited dental college in 13234  
this state, the board may without examination issue a limited 13235  
teaching license to a dentist who is a graduate of a dental 13236  
college, is authorized to practice dentistry in another state or 13237

country, and has full-time appointment to the faculty of the 13238  
endorsing dental college. A limited teaching license is subject 13239  
to annual renewal in accordance with the standard renewal 13240  
procedure of Chapter 4745. of the Revised Code, and 13241  
automatically expires upon termination of the full-time faculty 13242  
appointment. A person holding a limited teaching license may 13243  
practice dentistry only in connection with programs operated by 13244  
the endorsing dental college. The board may discipline the 13245  
holder of a limited teaching license pursuant to section 4715.30 13246  
of the Revised Code. 13247

Section 9.79 of the Revised Code does not apply to a 13248  
limited teaching license issued under this division. 13249

(C) (1) As used in this division: 13250

(a) "Continuing dental education practicum" or "practicum" 13251  
means a course of instruction, approved by the American dental 13252  
association, Ohio dental association, or academy of general 13253  
dentistry, that is designed to improve the clinical skills of a 13254  
dentist by requiring the dentist to participate in clinical 13255  
exercises on patients. 13256

(b) "Director" means the person responsible for the 13257  
operation of a practicum. 13258

(2) Upon payment of one hundred twenty-seven dollars and 13259  
application endorsed by the director of a continuing dental 13260  
education practicum, the board shall, without examination, issue 13261  
a temporary limited continuing education license to a resident 13262  
of a state other than Ohio who is licensed to practice dentistry 13263  
in such state and is in good standing, is a graduate of an 13264  
accredited dental college, and is registered to participate in 13265  
the endorsing practicum. The determination of whether a dentist 13266

is in good standing shall be made by the board. 13267

A dentist holding a temporary limited continuing education 13268  
license may practice dentistry only on residents of the state in 13269  
which the dentist is permanently licensed or on patients 13270  
referred by a dentist licensed pursuant to section 4715.12 of 13271  
the Revised Code to an instructing dentist licensed pursuant to 13272  
that section, and only while participating in a required 13273  
clinical exercise of the endorsing practicum on the premises of 13274  
the facility where the practicum is being conducted. 13275

Practice under a temporary limited continuing education 13276  
license shall be under the direct supervision and full 13277  
professional responsibility of an instructing dentist licensed 13278  
pursuant to section 4715.12 of the Revised Code, shall be 13279  
limited to the performance of those procedures necessary to 13280  
complete the endorsing practicum, and shall not exceed thirty 13281  
days of actual patient treatment in any year. 13282

(3) A director of a continuing dental education practicum 13283  
who endorses an application for a temporary limited continuing 13284  
education license shall, prior to making the endorsement, notify 13285  
the state dental board in writing of the identity of the 13286  
sponsors and the faculty of the practicum and the dates and 13287  
locations at which it will be offered. The notice shall also 13288  
include a brief description of the course of instruction. The 13289  
board may prohibit a continuing dental education practicum from 13290  
endorsing applications for temporary limited continuing 13291  
education licenses if the board determines that the practicum is 13292  
engaged in activities that constitute a threat to public health 13293  
and safety or do not constitute bona fide continuing dental 13294  
education, or that the practicum permits activities which 13295  
otherwise violate this chapter. Any continuing dental education 13296



practicum prohibited from endorsing applications may request an 13297  
adjudication pursuant to Chapter 119. of the Revised Code. 13298

A temporary limited continuing education license shall be 13299  
valid only when the dentist is participating in the endorsing 13300  
continuing dental education practicum and shall expire at the 13301  
end of one year. If the dentist fails to complete the endorsing 13302  
practicum in one year, the board may, upon the dentist's 13303  
application and payment of a fee of ninety-four dollars, renew 13304  
the temporary limited continuing education license for a 13305  
consecutive one-year period. Only two renewals may be granted. 13306  
The holder of a temporary limited continuing education license 13307  
may be disciplined by the board pursuant to section 4715.30 of 13308  
the Revised Code. 13309

Section 9.79 of the Revised Code does not apply to a 13310  
temporary limited continuing education license issued under this 13311  
division. 13312

(D) The board shall act either to approve or to deny any 13313  
application for a limited license pursuant to division (A), (B), 13314  
or (C) of this section not later than sixty days of the date the 13315  
board receives the application. 13316

**Sec. 4715.27.** ~~The~~ (A) (1) Except as provided in division 13317  
(A) (2) of this section, the state dental board may issue a 13318  
license to an applicant who furnishes satisfactory proof of 13319  
being at least eighteen years of age, of good moral character 13320  
and who demonstrates, to the satisfaction of the board, 13321  
knowledge of the laws, regulations, and rules governing the 13322  
practice of a dental hygienist; who proves, to the satisfaction 13323  
of the board, intent to practice as a dental hygienist in this 13324  
state; who is a graduate from an accredited school of dental 13325  
hygiene and who holds a license by examination from a similar 13326

dental board, and who passes an examination as prescribed by the 13327  
board relating to dental hygiene. 13328

(2) The board shall issue a license to practice as a 13329  
dental hygienist in accordance with section 9.79 of the Revised 13330  
Code to an applicant if either of the following applies: 13331

(a) The applicant holds a license to practice as a dental 13332  
hygienist in another state. 13333

(b) The applicant has satisfactory work experience, a 13334  
government certification, or a private certification as 13335  
described in that section in the practice of a dental hygienist 13336  
in a state that does not issue that license. 13337

(B) Upon payment of seventy-three dollars and upon 13338  
application endorsed by an accredited dental hygiene school in 13339  
this state, the state dental board may without examination issue 13340  
a teacher's certificate to a dental hygienist, authorized to 13341  
practice in another state or country. A teacher's certificate 13342  
shall be subject to annual renewal in accordance with the 13343  
standard renewal procedure of sections 4745.01 to 4745.03 of the 13344  
Revised Code, and shall not be construed as authorizing anything 13345  
other than teaching or demonstrating the skills of a dental 13346  
hygienist in the educational programs of the accredited dental 13347  
hygiene school which endorsed the application. 13348

Section 9.79 of the Revised Code does not apply to a 13349  
teacher's certificate issued under this division. 13350

**Sec. 4715.362.** A dentist who desires to participate in the 13351  
oral health access supervision program shall apply to the state 13352  
dental board for an oral health access supervision permit. The 13353  
application shall be under oath, on a form prescribed by the 13354  
board in rules adopted under section 4715.372 of the Revised 13355

Code, and accompanied by an application fee of twenty-five 13356  
dollars. To be eligible to receive the permit, an applicant 13357  
shall meet the requirements established by the board in rules 13358  
adopted under section 4715.372 of the Revised Code. 13359

The state dental board shall issue an oral health access 13360  
supervision permit to a dentist who is in good standing with the 13361  
board and satisfies all of the requirements of this section. 13362

Section 9.79 of the Revised Code does not apply to a 13363  
permit issued under this section. 13364

**Sec. 4715.363.** (A) A dental hygienist who desires to 13365  
participate in the oral health access supervision program shall 13366  
apply to the state dental board for a permit to practice under 13367  
the oral health access supervision of a dentist. The application 13368  
shall be under oath, on a form prescribed by the board in rules 13369  
adopted under section 4715.372 of the Revised Code, and 13370  
accompanied by an application fee of twenty-five dollars, which 13371  
may be paid by credit card. 13372

(B) The applicant shall provide evidence satisfactory to 13373  
the board that the applicant has done all of the following: 13374

(1) Completed at least one year and attained a minimum of 13375  
one thousand five hundred hours of experience in the practice of 13376  
dental hygiene; 13377

(2) Completed at least twenty-four hours of continuing 13378  
dental hygiene education during the two years prior to 13379  
submission of the application; 13380

(3) Completed a course pertaining to the practice of 13381  
dental hygiene under the oral health access supervision of a 13382  
dentist that meets standards established in rules adopted under 13383  
section 4715.372 of the Revised Code; 13384

(4) Completed, during the two years prior to submission of 13385  
the application, a course pertaining to the identification and 13386  
prevention of potential medical emergencies that is the same as 13387  
the course described in division (C) (2) of section 4715.22 of 13388  
the Revised Code. 13389

(C) The state dental board shall issue a permit to 13390  
practice under the oral health access supervision of a dentist 13391  
to a dental hygienist who is in good standing with the board and 13392  
meets all of the requirements of divisions (A) and (B) of this 13393  
section. 13394

(D) Section 9.79 of the Revised Code does not apply to a 13395  
permit issued under this section. 13396

**Sec. 4715.39.** (A) The state dental board may define the 13397  
duties that may be performed by dental assistants and other 13398  
individuals designated by the board as qualified personnel. If 13399  
defined, the duties shall be defined in rules adopted in 13400  
accordance with Chapter 119. of the Revised Code. The rules may 13401  
include training and practice standards for dental assistants 13402  
and other qualified personnel. The standards may include 13403  
examination and issuance of a certificate. If the board issues a 13404  
certificate, the recipient shall display the certificate in a 13405  
conspicuous location in any office in which the recipient is 13406  
employed to perform the duties authorized by the certificate. 13407

(B) A dental assistant may polish the clinical crowns of 13408  
teeth if all of the following requirements are met: 13409

(1) The dental assistant's polishing activities are 13410  
limited to the use of a rubber cup attached to a slow-speed 13411  
rotary dental hand piece to remove soft deposits that build up 13412  
over time on the crowns of teeth. 13413

(2) The polishing is performed only after a dentist has 13414  
evaluated the patient and any calculus detected on the teeth to 13415  
be polished has been removed by a dentist or dental hygienist. 13416

(3) The dentist supervising the assistant supervises not 13417  
more than two dental assistants engaging in polishing activities 13418  
at any given time. 13419

(4) The dental assistant is certified by the dental 13420  
assisting national board or the Ohio commission on dental 13421  
assistant certification. 13422

(5) The dental assistant receives a certificate from the 13423  
board authorizing the assistant to engage in the polishing 13424  
activities. The board shall issue the certificate if the 13425  
individual has successfully completed training in the polishing 13426  
of clinical crowns through a program accredited by the American 13427  
dental association commission on dental accreditation or 13428  
equivalent training approved by the board. The training shall 13429  
include courses in basic dental anatomy and infection control, 13430  
followed by a course in coronal polishing that includes 13431  
didactic, preclinical, and clinical training; any other training 13432  
required by the board; and a skills assessment that includes 13433  
successful completion of standardized testing. The board shall 13434  
adopt rules pursuant to division (A) of this section 13435  
establishing standards for approval of this training. 13436

The board shall issue a certificate to engage in polishing 13437  
activities in accordance with section 9.79 of the Revised Code 13438  
to a dental assistant if either of the following applies: 13439

(a) The applicant holds a license or certificate to engage 13440  
in polishing activities in another state. 13441

(b) The applicant has satisfactory work experience, a 13442

government certification, or a private certification as 13443  
described in that section in polishing activities in a state 13444  
that does not issue that license or certificate. 13445

(C) A dental assistant may apply pit and fissure sealants 13446  
if all of the following requirements are met: 13447

(1) A dentist evaluates the patient and designates the 13448  
teeth and surfaces that will benefit from the application of 13449  
sealant on the day the application is to be performed. 13450

(2) The dental assistant is certified by the dental 13451  
assisting national board or the Ohio commission on dental 13452  
assistant certification. 13453

(3) The dental assistant has successfully completed a 13454  
course in the application of sealants consisting of at least two 13455  
hours of didactic instruction and six hours of clinical 13456  
instruction through a program provided by an institution 13457  
accredited by the American dental association commission on 13458  
dental accreditation or a program provided by a sponsor of 13459  
continuing education approved by the board. 13460

(4) The dentist supervising the assistant has observed the 13461  
assistant successfully apply at least six sealants. 13462

(5) Except as provided in division (D) or (E) of this 13463  
section, the dentist supervising the assistant checks and 13464  
approves the application of all sealants placed by the assistant 13465  
before the patient leaves the location where the sealant 13466  
application procedure is performed. 13467

(D) (1) A dental assistant who is certified by the dental 13468  
assisting national board or the Ohio commission on dental 13469  
assistant certification may provide, for not more than fifteen 13470  
consecutive business days, all of the following services to a 13471

patient when the supervising dentist is not physically present 13472  
at the location where the services are provided if the 13473  
conditions specified in division (D) (2) of this section have 13474  
been satisfied: 13475

(a) Recementation of temporary crowns or recementation of 13476  
crowns with temporary cement; 13477

(b) Application of fluoride varnish; 13478

(c) Application of disclosing solutions; 13479

(d) Application of desensitizing agents, excluding silver 13480  
diamine fluoride; 13481

(e) Caries susceptibility testing; 13482

(f) Instruction on oral hygiene home care, including the 13483  
use of toothbrushes and dental floss. 13484

(2) The conditions that must be satisfied before a dental 13485  
assistant may provide the services specified in division (D) (1) 13486  
of this section are all of the following: 13487

(a) The dental assistant has at least one year and a 13488  
minimum of one thousand five hundred hours of experience 13489  
practicing as a dental assistant. 13490

(b) The dental assistant has successfully completed a 13491  
course approved by the state dental board in the identification 13492  
and prevention of potential medical emergencies. 13493

(c) The supervising dentist has evaluated the dental 13494  
assistant's skills. 13495

(d) The supervising dentist has established written 13496  
protocols or written standing orders for the dental assistant to 13497  
follow during and in the absence of an emergency. 13498

(e) The supervising dentist completed and evaluated a 13499  
medical and dental history of the patient not more than one year 13500  
prior to the date that the dental assistant provides services to 13501  
the patient, and the supervising dentist determines that the 13502  
patient is in a medically stable condition. 13503

(f) The patient is notified, in advance of the appointment 13504  
for services, that the supervising dentist will be absent from 13505  
the location and that the dental assistant cannot diagnose the 13506  
patient's dental health care status. 13507

(g) The dental assistant is employed by, or under contract 13508  
with, the supervising dentist, a dentist licensed under this 13509  
chapter who meets one of the criteria specified in division (C) 13510  
(10) (b) of section 4715.22 of the Revised Code, or a government 13511  
entity that employs the dental assistant to provide services in 13512  
a public school or in connection with other programs the 13513  
government entity administers. 13514

(3) A dental assistant who is certified by the dental 13515  
assisting national board or the Ohio commission on dental 13516  
assistant certification may apply, for not more than fifteen 13517  
business days, pit and fissure sealants when the supervising 13518  
dentist is not physically present at the location where the 13519  
sealants are to be applied if the dental assistant meets the 13520  
requirements in divisions (C) (3) and (4) of this section and all 13521  
of the conditions specified in division (D) (2) of this section 13522  
have been satisfied. 13523

(E) A dental assistant who is certified by the dental 13524  
assisting national board or the Ohio commission on dental 13525  
assistant certification may apply pit and fissure sealants prior 13526  
to a dentist examining the patient and rendering a diagnosis, 13527  
and when a dentist is not physically present at the location 13528



where the service is provided, if all of the following are the 13529  
case: 13530

(1) The dental assistant meets the requirements in 13531  
divisions (C) (3) and (4) of this section. 13532

(2) The conditions specified in divisions (D) (2) (a), (b), 13533  
(c), (d), (f), and (g) of this section have been satisfied. 13534

(3) The dental assistant is providing the service as part 13535  
of a program operated through any of the following: a school 13536  
district board of education or the governing board of an 13537  
educational service center; the board of health of a city or 13538  
general health district or the authority having the duties of a 13539  
board of health under section 3709.05 of the Revised Code; a 13540  
national, state, district, or local dental association; or any 13541  
other public or private entity recognized by the state dental 13542  
board. 13543

(4) A supervising dentist for the program described in 13544  
division (E) (3) of this section meets both of the following 13545  
conditions: 13546

(a) Is employed by or a volunteer for, and the patients 13547  
are referred by, the entity through which the program is 13548  
operated; 13549

(b) Is available for consultation by telephone, 13550  
videoconferencing, or other means of electronic communication. 13551

(5) The application of pit and fissure sealants is limited 13552  
to erupted permanent posterior teeth without suspicion of 13553  
dentinal cavitation. 13554

(6) If the patient is a minor, a parent, guardian, or 13555  
other person responsible for the patient has been notified that 13556

a dentist will not be present at the location and that the 13557  
dental assistant is not trained to diagnose or treat other 13558  
serious dental concerns that could exist. 13559

(F) Subject to this section and the applicable rules of 13560  
the board, licensed dentists may assign to dental assistants and 13561  
other qualified personnel dental procedures that do not require 13562  
the professional competence or skill of the licensed dentist, a 13563  
dental hygienist, or an expanded function dental auxiliary as 13564  
this section or the board by rule authorizes dental assistants 13565  
and other qualified personnel to perform. Except as provided in 13566  
division (D) or (E) of this section, the performance of dental 13567  
procedures by dental assistants and other qualified personnel 13568  
shall be under direct supervision and full responsibility of the 13569  
licensed dentist. 13570

(G) Nothing in this section shall be construed by rule of 13571  
the state dental board or otherwise to do the following: 13572

(1) Authorize dental assistants or other qualified 13573  
personnel to engage in the practice of dental hygiene as defined 13574  
by sections 4715.22 and 4715.23 of the Revised Code or to 13575  
perform the duties of a dental hygienist, including the removal 13576  
of calcarious deposits, dental cement, or accretions on the 13577  
crowns and roots of teeth other than as authorized pursuant to 13578  
this section; 13579

(2) Authorize dental assistants or other qualified 13580  
personnel to engage in the practice of an expanded function 13581  
dental auxiliary as specified in section 4715.64 of the Revised 13582  
Code or to perform the duties of an expanded function dental 13583  
auxiliary other than as authorized pursuant to this section. 13584

(3) Authorize the assignment of any of the following: 13585

(a) Diagnosis;	13586
(b) Treatment planning and prescription, including	13587
prescription for drugs and medicaments or authorization for	13588
restorative, prosthodontic, or orthodontic appliances;	13589
(c) Surgical procedures on hard or soft tissue of the oral	13590
cavity, or any other intraoral procedure that contributes to or	13591
results in an irremediable alteration of the oral anatomy;	13592
(d) The making of final impressions from which casts are	13593
made to construct any dental restoration.	13594
(H) No dentist shall assign any dental assistant or other	13595
individual acting in the capacity of qualified personnel to	13596
perform any dental procedure that the assistant or other	13597
individual is not authorized by this section or by board rule to	13598
perform. No dental assistant or other individual acting in the	13599
capacity of qualified personnel shall perform any dental	13600
procedure other than in accordance with this section and any	13601
applicable board rule or any dental procedure that the assistant	13602
or other individual is not authorized by this section or by	13603
board rule to perform.	13604
<b>Sec. 4715.42.</b> (A) (1) As used in this section:	13605
(a) "Free clinic" has the same meaning as in section	13606
3701.071 of the Revised Code.	13607
(b) "Indigent and uninsured person" and "operation" have	13608
the same meanings as in section 2305.234 of the Revised Code.	13609
(2) For the purposes of this section, a person shall be	13610
considered retired from practice if the person's license has	13611
been surrendered or allowed to expire with the intention of	13612
ceasing to practice as a dentist or dental hygienist for	13613

remuneration. 13614

(B) Within thirty days after receiving an application for 13615  
a volunteer's certificate that includes all of the items listed 13616  
in divisions (C) (1), (2), and (3) of this section, the state 13617  
dental board shall issue, without examination, a volunteer's 13618  
certificate to a person who is retired from practice so that the 13619  
person may provide dental services to indigent and uninsured 13620  
persons at any location, including a free clinic. 13621

(C) An application for a volunteer's certificate shall 13622  
include all of the following: 13623

(1) A copy of the applicant's degree from dental college 13624  
or dental hygiene school. 13625

(2) One of the following, as applicable: 13626

(a) A copy of the applicant's most recent license to 13627  
practice dentistry or dental hygiene issued by a jurisdiction in 13628  
the United States that licenses persons to practice dentistry or 13629  
dental hygiene. 13630

(b) A copy of the applicant's most recent license 13631  
equivalent to a license to practice dentistry or dental hygiene 13632  
in one or more branches of the United States armed services that 13633  
the United States government issued. 13634

(3) Evidence of one of the following, as applicable: 13635

(a) The applicant has maintained for at least ten years 13636  
prior to retirement full licensure in good standing in any 13637  
jurisdiction in the United States that licenses persons to 13638  
practice dentistry or dental hygiene. 13639

(b) The applicant has practiced as a dentist or dental 13640  
hygienist in good standing for at least ten years prior to 13641

retirement in one or more branches of the United States armed 13642  
services. 13643

(D) The holder of a volunteer's certificate may provide 13644  
dental services only to indigent and uninsured persons, but may 13645  
do so at any location, including a free clinic. The holder shall 13646  
not accept any form of remuneration for providing dental 13647  
services while in possession of the certificate. Except in a 13648  
dental emergency, the holder shall not perform any operation. 13649  
The board may revoke a volunteer's certificate on receiving 13650  
proof satisfactory to the board that the holder has engaged in 13651  
practice in this state outside the scope of the holder's 13652  
certificate or that there are grounds for action against the 13653  
person under section 4715.30 of the Revised Code. 13654

(E) (1) A volunteer's certificate shall be valid for a 13655  
period of three years, and may be renewed upon the application 13656  
of the holder, unless the certificate was previously revoked 13657  
under division (D) of this section. The board shall maintain a 13658  
register of all persons who hold volunteer's certificates. The 13659  
board shall not charge a fee for issuing or renewing a 13660  
certificate pursuant to this section. 13661

(2) To be eligible for renewal of a volunteer's 13662  
certificate, the holder of the certificate shall certify to the 13663  
board completion of sixty hours of continuing dental education 13664  
that meets the requirements of section 4715.141 of the Revised 13665  
Code and the rules adopted under that section, or completion of 13666  
eighteen hours of continuing dental hygiene education that meets 13667  
the requirements of section 4715.25 of the Revised Code and the 13668  
rules adopted under that section, as the case may be. The board 13669  
may not renew a certificate if the holder has not complied with 13670  
the appropriate continuing education requirements. Any entity 13671

for which the holder provides dental services may pay for or 13672  
reimburse the holder for any costs incurred in obtaining the 13673  
required continuing education credits. 13674

(3) The board shall issue to each person who qualifies 13675  
under this section for a volunteer's certificate a wallet 13676  
certificate and a wall certificate that state that the 13677  
certificate holder is authorized to provide dental services 13678  
pursuant to the laws of this state. The holder shall keep the 13679  
wallet certificate on the holder's person while providing dental 13680  
services and shall display the wall certificate prominently at 13681  
the location where the holder primarily practices. 13682

(4) The holder of a volunteer's certificate issued 13683  
pursuant to this section is subject to the immunity provisions 13684  
regarding the provision of services to indigent and uninsured 13685  
persons in section 2305.234 of the Revised Code. 13686

(F) The board shall adopt rules in accordance with Chapter 13687  
119. of the Revised Code to administer and enforce this section. 13688

(G) The state dental board shall make available through 13689  
the board's web site the application form for a volunteer's 13690  
certificate under this section, a description of the application 13691  
process, and a list of all items that are required by division 13692  
(C) of this section to be submitted with the application. 13693

(H) Section 9.79 of the Revised Code does not apply to a 13694  
license issued under this section. 13695

**Sec. 4715.421.** (A) As used in this section: 13696

(1) "Accredited dental college" has the same meaning as in 13697  
section 4715.10 of the Revised Code. 13698

(2) "Accredited dental hygiene school" has the same 13699

meaning as in section 4715.36 of the Revised Code. 13700

(3) "Operation" has the same meaning as in section 13701  
2305.234 of the Revised Code. 13702

(B) Within thirty days after receiving an application for 13703  
a temporary volunteer's certificate that includes all of the 13704  
items listed in divisions (C)(1) and (2) of this section, the 13705  
state dental board shall issue, without examination, a temporary 13706  
volunteer's certificate to a person not licensed under this 13707  
chapter so that the person may provide dental services in this 13708  
state as a volunteer. 13709

(C) An application for a temporary volunteer's certificate 13710  
shall include both of the following: 13711

(1) A copy of the applicant's degree from an accredited 13712  
dental college or accredited dental hygiene school; 13713

(2) One of the following, as applicable: 13714

(a) Evidence satisfactory to the board that the applicant 13715  
holds a valid, unrestricted license to practice dentistry or 13716  
dental hygiene issued by a jurisdiction in the United States 13717  
that licenses persons to practice dentistry or dental hygiene; 13718

(b) Evidence satisfactory to the board that the applicant 13719  
is practicing dentistry or dental hygiene in one or more 13720  
branches of the United States armed services. 13721

(D) The holder of a temporary volunteer's certificate 13722  
shall not accept any form of remuneration for providing dental 13723  
services pursuant to the certificate. Except in a dental 13724  
emergency, the holder shall not perform any operation. The board 13725  
may revoke a temporary volunteer's certificate on receiving 13726  
proof satisfactory to the board that the holder has engaged in 13727

practice in this state outside the scope of the holder's 13728  
certificate or that there are grounds for action against the 13729  
person under section 4715.30 of the Revised Code. 13730

(E) (1) A temporary volunteer's certificate shall be valid 13731  
for a period of seven days, and may be renewed upon the 13732  
application of the holder, unless the certificate was previously 13733  
revoked under division (D) of this section. The board shall 13734  
maintain a register of all persons who hold a temporary 13735  
volunteer's certificate. The board may charge a fee not to 13736  
exceed twenty-five dollars for issuing or renewing a certificate 13737  
pursuant to this section. 13738

(2) The board shall issue to each person who qualifies 13739  
under this section for a temporary volunteer's certificate a 13740  
wallet certificate that states that the certificate holder is 13741  
authorized to provide dental services pursuant to the laws of 13742  
this state. The holder shall keep the wallet certificate on the 13743  
holder's person while providing dental services. 13744

(3) The holder of a temporary volunteer's certificate 13745  
issued pursuant to this section is subject to the immunity 13746  
provisions in section 2305.234 of the Revised Code. 13747

(F) The board shall adopt rules in accordance with Chapter 13748  
119. of the Revised Code to administer and enforce this section. 13749

(G) Not later than ninety days after ~~the effective date of~~ 13750  
~~this section~~ March 23, 2015, the state dental board shall make 13751  
available through the board's internet web site the application 13752  
form for a temporary volunteer's certificate under this section, 13753  
a description of the application process, and a list of all 13754  
items that are required by division (C) of this section to be 13755  
submitted with the application. 13756



(H) Section 9.79 of the Revised Code does not apply to a 13757  
temporary volunteer's certificate issued under this section. 13758

**Sec. 4715.43.** (A) As used in this section and in sections 13759  
4715.431 to 4715.437 of the Revised Code: 13760

(1) "Authorizing dentist" means the holder of a current, 13761  
valid teledentistry permit issued under this section who 13762  
authorizes a dental hygienist or expanded function dental 13763  
auxiliary to perform services under section 4715.431 of the 13764  
Revised Code. 13765

(2) "Dental hygiene services" means the prophylactic, 13766  
preventive, and other procedures that dentists are authorized by 13767  
this chapter and rules of the state dental board to assign to 13768  
dental hygienists, except for procedures while a patient is 13769  
anesthetized, definitive root planing, definitive subgingival 13770  
curettage, the administration of local anesthesia, and the 13771  
procedures specified in rules adopted by the board as described 13772  
in division (C) (3) of section 4715.22 of the Revised Code. 13773

(3) "Interim therapeutic restoration" means a direct 13774  
provisional restoration placed to stabilize a tooth until a 13775  
licensed dentist can assess the need for further treatment. 13776  
"Interim therapeutic restoration" includes the removal of 13777  
debris, other than carious or noncarious tooth structure, from 13778  
the carious lesion using air or water irrigation. 13779

(4) "Synchronous, real-time communication" means a live, 13780  
two-way interaction between a patient and a dentist conducted 13781  
through audiovisual technology. 13782

(5) "Teledentistry" means the delivery of dental services 13783  
through the use of synchronous, real-time communication and the 13784  
delivery of services of a dental hygienist or expanded function 13785

dental auxiliary pursuant to a dentist's authorization. 13786

(B) (1) A dentist who desires to provide dental services 13787  
through teledentistry shall apply to the state dental board for 13788  
a teledentistry permit. The application must be made under oath 13789  
on a form prescribed by the board and be accompanied by a 13790  
twenty-dollar application fee. ~~To~~ Except as provided in division 13791  
(B) (2) of this section, to be eligible for the permit, the 13792  
dentist must meet the requirements established by the board in 13793  
rules adopted under section 4715.436 of the Revised Code. 13794

(2) The state dental board shall issue a teledentistry 13795  
permit to a dentist who is in good standing with the board and 13796  
satisfies all of the requirements of this section. An individual 13797  
who holds a license in another state is not required to obtain a 13798  
license under section 9.79 of the Revised Code if the individual 13799  
holds a permit under this section. 13800

**Sec. 4715.53.** (A) Each individual seeking a certificate to 13801  
practice as a dental x-ray machine operator shall apply to the 13802  
state dental board on a form the board shall prescribe and 13803  
provide. ~~The~~ Except as provided in division (C) of this section, 13804  
the application shall be accompanied by an application fee of 13805  
thirty-two dollars. 13806

(B) The board shall review all applications received and, 13807  
except as provided in division (C) of this section, issue a 13808  
dental x-ray machine operator certificate to each applicant who 13809  
submits evidence satisfactory to the board of one of the 13810  
following: 13811

(1) The applicant holds certification from the dental 13812  
assisting national board or the Ohio commission on dental 13813  
assistant certification. 13814

~~(2) The applicant holds a license, certificate, permit, registration, or other credential issued by another state that the board determines uses standards for dental x-ray machine operators that are at least equal to those established under this chapter.~~

~~(3)~~ The applicant has successfully completed an educational program consisting of at least seven hours of instruction in dental x-ray machine operation that meets either of the following requirements:

(a) Has been approved by the board in accordance with section 4715.57 of the Revised Code;

(b) Is conducted by an institution accredited by the American dental association commission on dental accreditation.

(C) The board shall issue a certificate in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license or certificate in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a dental x-ray machine operator in a state that does not issue that license or certificate.

(D) A certificate issued under this section expires two years after it is issued and may be renewed if the certificate holder does both of the following:

(1) Certifies to the board that the certificate holder has completed at least two hours of instruction in dental x-ray machine operation approved by the board in accordance with

section 4715.57 of the Revised Code during the two-year period 13843  
preceding the date the renewal application is received by the 13844  
board. 13845

(2) Submits a renewal fee of thirty-two dollars to the 13846  
board. 13847

Renewals shall be made in accordance with the standard 13848  
renewal procedure established under Chapter 4745. of the Revised 13849  
Code. 13850

**Sec. 4715.62.** (A) Each individual seeking to register with 13851  
the state dental board as an expanded function dental auxiliary 13852  
shall file with the secretary of the board a written application 13853  
for registration, under oath, on a form the board shall 13854  
prescribe and provide. An Except as provided in division (D) of 13855  
this section, an applicant shall include with the completed 13856  
application all of the following: 13857

(1) An application fee of twenty-five dollars; 13858

(2) Proof satisfactory to the board that the applicant has 13859  
successfully completed, at an educational institution accredited 13860  
by the commission on dental accreditation of the American dental 13861  
association or the higher learning commission of the north 13862  
central association of colleges and schools, the education or 13863  
training specified by the board in rules adopted under section 13864  
4715.66 of the Revised Code as the education or training that is 13865  
necessary to obtain registration under this chapter to practice 13866  
as an expanded function dental auxiliary, as evidenced by a 13867  
diploma or other certificate of graduation or completion that 13868  
has been signed by an appropriate official of the accredited 13869  
institution that provided education or training; 13870

(3) Proof satisfactory to the board that the applicant has 13871

passed an examination that meets the standards established by 13872  
the board in rules adopted under section 4715.66 of the Revised 13873  
Code to be accepted by the board as an examination of competency 13874  
to practice as an expanded function dental auxiliary; 13875

(4) Proof that the applicant holds current certification 13876  
to perform basic life-support procedures, evidenced by 13877  
documentation showing the successful completion of a basic life- 13878  
support training course certified by the American red cross, the 13879  
American heart association, or the American safety and health 13880  
institute. 13881

(B) If an applicant complies with division (A) of this 13882  
section, the board shall register the applicant as an expanded 13883  
function dental auxiliary. 13884

(C) The board shall register an applicant in accordance 13885  
with section 9.79 of the Revised Code if either of the following 13886  
applies: 13887

(1) The applicant is licensed or registered as an expanded 13888  
function dental auxiliary in another state. 13889

(2) The applicant has satisfactory work experience, a 13890  
government certification, or a private certification as 13891  
described in that section as an expanded function dental 13892  
auxiliary in a state that does not issue that license or 13893  
registration. 13894

**Sec. 4717.05.** (A) Any person who desires to be licensed as 13895  
an embalmer shall apply to the board of embalmers and funeral 13896  
directors on a form provided by the board. The applicant shall 13897  
include with the application an initial license fee as set forth 13898  
in section 4717.07 of the Revised Code and evidence, verified by 13899  
oath and satisfactory to the board, that the applicant meets all 13900

of the following requirements: 13901

(1) The applicant is at least eighteen years of age and of 13902  
good moral character. 13903

(2) If the applicant has pleaded guilty to, has been found 13904  
by a judge or jury to be guilty of, or has had a judicial 13905  
finding of eligibility for treatment in lieu of conviction 13906  
entered against the applicant in this state for aggravated 13907  
murder, murder, voluntary manslaughter, felonious assault, 13908  
kidnapping, rape, sexual battery, gross sexual imposition, 13909  
aggravated arson, aggravated robbery, or aggravated burglary, or 13910  
has pleaded guilty to, has been found by a judge or jury to be 13911  
guilty of, or has had a judicial finding of eligibility for 13912  
treatment in lieu of conviction entered against the applicant in 13913  
another jurisdiction for a substantially equivalent offense, at 13914  
least five years has elapsed since the applicant was released 13915  
from incarceration, a community control sanction, a post-release 13916  
control sanction, parole, or treatment in connection with the 13917  
offense. 13918

(3) The applicant holds at least a bachelor's degree from 13919  
a college or university authorized to confer degrees by the 13920  
department of higher education or the comparable legal agency of 13921  
another state in which the college or university is located and 13922  
submits an official transcript from that college or university 13923  
with the application. 13924

(4) The applicant has satisfactorily completed at least 13925  
twelve months of instruction in a prescribed course in mortuary 13926  
science as approved by the board and has presented to the board 13927  
a certificate showing successful completion of the course. The 13928  
course of mortuary science college training may be completed 13929  
either before or after the completion of the educational 13930

standard set forth in division (A)(3) of this section. 13931

(5) The applicant has been certified by the board prior to 13932  
beginning an embalmer apprenticeship. 13933

(6) The applicant has satisfactorily completed at least 13934  
one year of apprenticeship under an embalmer licensed in this 13935  
state and has participated in embalming at least twenty-five 13936  
dead human bodies. 13937

(7) The applicant, upon meeting the educational standards 13938  
provided for in divisions (A)(3) and (4) of this section and 13939  
completing the apprenticeship required in division (A)(6) of 13940  
this section, has completed the examination for an embalmer's 13941  
license required by the board. 13942

(B) Upon receiving satisfactory evidence verified by oath 13943  
that the applicant meets all the requirements of division (A) of 13944  
this section, the board shall issue the applicant an embalmer's 13945  
license. 13946

(C) Any person who desires to be licensed as a funeral 13947  
director shall apply to the board on a form prescribed by the 13948  
board. The application shall include an initial license fee as 13949  
set forth in section 4717.07 of the Revised Code and evidence, 13950  
verified by oath and satisfactory to the board, that the 13951  
applicant meets all of the following requirements: 13952

(1) Except as otherwise provided in division (D) of this 13953  
section, the applicant has satisfactorily met all the 13954  
requirements for an embalmer's license as described in divisions 13955  
(A)(1) to (4) of this section. 13956

(2) The applicant has been certified by the board prior to 13957  
beginning a funeral director apprenticeship. 13958

(3) The applicant, following mortuary science college training described in division (A) (4) of this section, has satisfactorily completed a one-year apprenticeship under a licensed funeral director in this state and has participated in directing at least twenty-five funerals.

(4) The applicant has satisfactorily completed the examination for a funeral director's license as required by the board.

(D) In lieu of mortuary science college training required for a funeral director's license under division (C) (1) of this section, the applicant may substitute a satisfactorily completed two-year apprenticeship under a licensed funeral director in this state assisting that person in directing at least fifty funerals.

(E) Upon receiving satisfactory evidence that the applicant meets all the requirements of division (C) of this section, the board shall issue to the applicant a funeral director's license.

(F) The board shall issue an embalmer or funeral director apprentice card in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license or card in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as an embalmer or funeral director apprentice in a state that does not issue that license or card.

(G) A funeral director or embalmer may request the funeral director's or embalmer's license be placed on inactive status by



submitting to the board a form prescribed by the board and such 13988  
other information as the board may request. A funeral director 13989  
or embalmer may not place the funeral director's or embalmer's 13990  
license on inactive status unless the funeral director or 13991  
embalmer is in good standing with the board and is in compliance 13992  
with applicable continuing education requirements. A funeral 13993  
director or embalmer who is granted inactive status is 13994  
prohibited from participating in any activity for which a 13995  
funeral director's or embalmer's license is required in this 13996  
state. A funeral director or embalmer who has been granted 13997  
inactive status is exempt from the continuing education 13998  
requirements under section 4717.09 of the Revised Code during 13999  
the period of the inactive status. 14000

~~(G)~~ (H) A funeral director or embalmer who has been 14001  
granted inactive status may not return to active status for at 14002  
least two years following the date that the inactive status was 14003  
granted. Following a period of at least two years of inactive 14004  
status, the funeral director or embalmer may apply to return to 14005  
active status upon completion of all of the following 14006  
conditions: 14007

(1) The funeral director or embalmer files with the board 14008  
a form prescribed by the board seeking active status and 14009  
provides any other information as the board may request; 14010

(2) The funeral director or embalmer takes and passes the 14011  
Ohio laws examination for each license being activated; 14012

(3) The funeral director or embalmer pays a reactivation 14013  
fee to the board in the amount of one hundred forty dollars for 14014  
each license being reactivated. 14015

~~(H)~~ (I) As used in this section: 14016

(1) "Community control sanction" has the same meaning as 14017  
in section 2929.01 of the Revised Code. 14018

(2) "Post-release control sanction" has the same meaning 14019  
as in section 2967.01 of the Revised Code. 14020

**Sec. 4717.051.** (A) Any Except as provided in division (D) 14021  
of this section, any person who desires to obtain a permit as a 14022  
crematory operator shall apply to the board of embalmers and 14023  
funeral directors on a form prescribed by the board. The 14024  
applicant shall include with the application the initial permit 14025  
fee set forth in section 4717.07 of the Revised Code and 14026  
evidence, verified under oath and satisfactory to the board, 14027  
that the applicant satisfies all of the following requirements: 14028

(1) The applicant is at least eighteen years of age and of 14029  
good moral character. 14030

(2) If the applicant has pleaded guilty to, or has been 14031  
found by a judge or jury to be guilty of, or has had judicial 14032  
finding of eligibility for treatment in lieu of conviction 14033  
entered against the applicant in this state for aggravated 14034  
murder, murder, voluntary manslaughter, felonious assault, 14035  
kidnapping, rape, sexual battery, gross sexual imposition, 14036  
aggravated arson, aggravated robbery, or aggravated burglary, or 14037  
has pleaded guilty to, has been found by a judge or jury to be 14038  
guilty of, or has had judicial finding of eligibility for 14039  
treatment in lieu of conviction entered against the applicant in 14040  
another jurisdiction for a substantially equivalent offense, at 14041  
least five years has elapsed since the applicant was released 14042  
from incarceration, a community control sanction, a post-release 14043  
control sanction, parole, or treatment in connection with the 14044  
offense. 14045

(3) The applicant has satisfactorily completed a crematory operation certification program approved by the board and has presented to the board a certificate showing completion of the program.

(B) If the board of embalmers and funeral directors, upon receiving satisfactory evidence, determines that the applicant satisfies all of the requirements of division (A) of this section, the board shall issue to the applicant a permit as a crematory operator.

(C) The board of embalmers and funeral directors may revoke or suspend a crematory operator permit or subject a crematory operator permit holder to discipline in accordance with the laws, rules, and procedures applicable to licensees under this chapter.

(D) The board shall issue a crematory operator permit in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license or permit in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a crematory operator in a state that does not issue that license or permit.

**Sec. 4717.10.** (A) The board of embalmers and funeral directors ~~may recognize licenses issued to embalmers and funeral directors by other states, and upon presentation of such licenses, may shall issue to the holder an embalmer's or funeral director's license under this chapter in accordance with section 9.79 of the Revised Code to an applicant who holds a license in~~

another state or who has satisfactory work experience, a 14075  
government certification, or a private certification as 14076  
described in that section as an embalmer or funeral director in 14077  
a state that does not issue that license. ~~The board shall charge~~ 14078  
~~the same fee as prescribed in section 4717.07 of the Revised~~ 14079  
~~Code to issue or renew such an embalmer's or funeral director's~~ 14080  
~~license.~~ Such licenses shall be renewed biennially as provided 14081  
in section 4717.08 of the Revised Code. ~~The board shall not~~ 14082  
~~issue a license to any person under division (A) of this section~~ 14083  
~~unless the applicant proves that the applicant, in the state in~~ 14084  
~~which the applicant is licensed, has complied with requirements~~ 14085  
~~substantially equal to those established in section 4717.05 of~~ 14086  
~~the Revised Code.~~ 14087

(B) ~~(1)~~ The board of embalmers and funeral directors may 14088  
issue courtesy card permits to funeral directors licensed in a 14089  
state that borders this state. A courtesy card permit holder 14090  
shall be authorized to undertake both the following acts in this 14091  
state: 14092

~~(1)~~ ~~(a)~~ Prepare and complete those sections of a death 14093  
certificate and other permits needed for disposition of deceased 14094  
human remains in this state and sign and file such death 14095  
certificates and permits; 14096

~~(2)~~ ~~(b)~~ Supervise and conduct funeral ceremonies, 14097  
interments, and entombments in this state. 14098

(2) Section 9.79 of the Revised Code does not apply to a 14099  
courtesy card permit issued under this division. 14100

(C) The board of embalmers and funeral directors may 14101  
determine under what conditions a courtesy card permit may be 14102  
issued to funeral directors in bordering states after taking 14103

into account whether and under what conditions and fees such 14104  
border states issue similar courtesy card permits to funeral 14105  
directors licensed in this state. A courtesy card permit holder 14106  
shall comply with all applicable laws and rules of this state 14107  
while engaged in any acts of funeral directing in this state. 14108  
The board may revoke or suspend a courtesy card permit or 14109  
subject a courtesy card permit holder to discipline in 14110  
accordance with the laws, rules, and procedures applicable to 14111  
funeral directors under this chapter. Applicants for courtesy 14112  
card permits shall apply on forms prescribed by the board, pay a 14113  
biennial fee set by the board for initial applications and 14114  
renewals, and adhere to such other requirements imposed by the 14115  
board on courtesy card permit holders. 14116

(D) No courtesy card permit holder shall be authorized to 14117  
undertake any of the following activities in this state: 14118

(1) Arranging funerals or disposition services with 14119  
members of the public in this state; 14120

(2) Be employed by or under contract to a funeral home 14121  
licensed in this state to perform funeral services in this 14122  
state; 14123

(3) Advertise funeral or disposition services in this 14124  
state; 14125

(4) Enter into or execute funeral or disposition contracts 14126  
in this state; 14127

(5) Prepare or embalm deceased human remains in this 14128  
state; 14129

(6) Arrange for or carry out the disinterment of human 14130  
remains in this state. 14131

(E) As used in this section, "courtesy card permit" means 14132  
a special permit that may be issued to a funeral director 14133  
licensed in a state that borders this state and who does not 14134  
hold a funeral director's license under this chapter. 14135

**Sec. 4723.08.** (A) The board of nursing may impose fees not 14136  
to exceed the following limits: 14137

(1) For application for licensure by examination or 14138  
endorsement to practice nursing as a registered nurse or as a 14139  
licensed practical nurse submitted under division (A) or (B) of 14140  
section 4723.09 of the Revised Code, seventy-five dollars; 14141

(2) For application for licensure to practice nursing as 14142  
an advanced practice registered nurse submitted under division 14143  
(A) or (B) (2) of section 4723.41 of the Revised Code, one 14144  
hundred fifty dollars; 14145

(3) For application for a dialysis technician intern 14146  
certificate, the amount specified in rules adopted under section 14147  
4723.79 of the Revised Code; 14148

(4) For application for a dialysis technician certificate, 14149  
the amount specified in rules adopted under section 4723.79 of 14150  
the Revised Code; 14151

(5) For providing, pursuant to division (B) of section 14152  
4723.271 of the Revised Code, written verification of a nursing 14153  
license, dialysis technician certificate, medication aide 14154  
certificate, or community health worker certificate to another 14155  
jurisdiction, fifteen dollars; 14156

(6) For providing, pursuant to division (A) of section 14157  
4723.271 of the Revised Code, a replacement copy of a wall 14158  
certificate suitable for framing as described in that division, 14159  
twenty-five dollars; 14160

(7) For renewal of a license to practice as a registered nurse or licensed practical nurse, sixty-five dollars;	14161 14162
(8) For renewal of a license to practice as an advanced practice registered nurse, one hundred thirty-five dollars;	14163 14164
(9) For renewal of a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	14165 14166 14167
(10) For processing a late application for renewal of a nursing license or dialysis technician certificate, fifty dollars;	14168 14169 14170
(11) For application for authorization to approve continuing education programs and courses from an applicant accredited by a national accreditation system for nursing, five hundred dollars;	14171 14172 14173 14174
(12) For application for authorization to approve continuing education programs and courses from an applicant not accredited by a national accreditation system for nursing, one thousand dollars;	14175 14176 14177 14178
(13) For each year for which authorization to approve continuing education programs and courses is renewed, one hundred fifty dollars;	14179 14180 14181
(14) For application for approval to operate a dialysis training program, the amount specified in rules adopted under section 4723.79 of the Revised Code;	14182 14183 14184
(15) For reinstatement of a lapsed license or certificate issued under this chapter, one hundred dollars except as provided in section 5903.10 of the Revised Code;	14185 14186 14187
(16) For processing a check returned to the board by a	14188

financial institution, twenty-five dollars; 14189

(17) The amounts specified in rules adopted under section 14190  
4723.88 of the Revised Code pertaining to the issuance of 14191  
certificates to community health workers, including fees for 14192  
application for a certificate, renewal of a certificate, 14193  
processing a late application for renewal of a certificate, 14194  
reinstatement of a lapsed certificate, application for approval 14195  
of a community health worker training program for community 14196  
health workers, and renewal of the approval of a training 14197  
program for community health workers. 14198

(B) Each quarter, for purposes of transferring funds under 14199  
section 4743.05 of the Revised Code to the nurse education 14200  
assistance fund created in section 3333.28 of the Revised Code, 14201  
the board of nursing shall certify to the director of budget and 14202  
management the number of licenses renewed under this chapter 14203  
during the preceding quarter and the amount equal to that number 14204  
times five dollars. 14205

(C) The board may charge a participant in a board- 14206  
sponsored continuing education activity an amount not exceeding 14207  
fifteen dollars for each activity. 14208

(D) The board may contract for services pertaining to the 14209  
process of providing written verification of a license or 14210  
certificate when the verification is performed for purposes 14211  
other than providing verification to another jurisdiction. The 14212  
contract may include provisions pertaining to the collection of 14213  
the fee charged for providing the written verification. As part 14214  
of these provisions, the board may permit the contractor to 14215  
retain a portion of the fees as compensation, before any amounts 14216  
are deposited into the state treasury. 14217



**Sec. 4723.09.** (A) (1) An application for licensure by 14218  
examination to practice as a registered nurse or as a licensed 14219  
practical nurse shall be submitted to the board of nursing in 14220  
the form prescribed by rules of the board. The application shall 14221  
include all of the following: 14222

(a) Evidence that the applicant has met the educational 14223  
requirements described in division (C) of this section; 14224

(b) Any other information required by rules of the board; 14225

(c) The application fee required by section 4723.08 of the 14226  
Revised Code. 14227

(2) The board shall grant a license to practice nursing as 14228  
a registered nurse or as a licensed practical nurse if the 14229  
conditions of divisions (A) (2) (a) to (d) have been met: 14230

(a) The applicant passes the examination accepted by the 14231  
board under section 4723.10 of the Revised Code. 14232

(b) In the case of an applicant who entered a prelicensure 14233  
nursing education program on or after June 1, 2003, the results 14234  
of a criminal records check conducted in accordance with section 14235  
4723.091 of the Revised Code demonstrate that the applicant is 14236  
not ineligible for licensure as specified in section 4723.092 of 14237  
the Revised Code. 14238

(c) The board determines that the applicant has not 14239  
committed any act that is grounds for disciplinary action under 14240  
section 3123.47 or 4723.28 of the Revised Code or determines 14241  
that an applicant who has committed any act that is grounds for 14242  
disciplinary action under either section has made restitution or 14243  
has been rehabilitated, or both. 14244

(d) The applicant is not required to register under 14245

Chapter 2950. of the Revised Code or a substantially similar law 14246  
of another state, the United States, or another country. 14247

(3) The board is not required to afford an adjudication to 14248  
an individual to whom it has refused to grant a license because 14249  
of that individual's failure to pass the examination. 14250

(B) (1) An application for licensure by endorsement to 14251  
practice nursing as a registered nurse or as a licensed 14252  
practical nurse shall be submitted to the board in the form 14253  
prescribed by rules of the board. The application shall include 14254  
all of the following: 14255

(a) Evidence that the applicant holds a current, valid, 14256  
and unrestricted license or equivalent authorization from 14257  
another jurisdiction other than another state granted after 14258  
passing an examination approved by the board of that 14259  
jurisdiction that is equivalent to the examination requirements 14260  
under this chapter for a license to practice nursing as a 14261  
registered nurse or licensed practical nurse; 14262

(b) Any other information required by rules of the board; 14263

(c) The application fee required by section 4723.08 of the 14264  
Revised Code. 14265

(2) The board shall grant a license by endorsement to 14266  
practice nursing as a registered nurse or as a licensed 14267  
practical nurse to an applicant who applied under division (B) 14268  
(1) of this section if the conditions of divisions (B) (2) (a) to 14269  
(f) have been met: 14270

(a) The applicant provides evidence satisfactory to the 14271  
board that the applicant has met the educational requirements 14272  
described in division (C) of this section. 14273

(b) The examination, at the time it is successfully  
completed, is equivalent to the examination requirements in  
effect at that time for applicants who were licensed by  
examination in this state.

(c) The board determines there is sufficient evidence that  
the applicant completed two contact hours of continuing  
education directly related to this chapter or the rules adopted  
under it.

(d) The results of a criminal records check conducted in  
accordance with section 4723.091 of the Revised Code demonstrate  
that the applicant is not ineligible for licensure as specified  
in section 4723.092 of the Revised Code.

(e) The applicant has not committed any act that is  
grounds for disciplinary action under section 3123.47 or 4723.28  
of the Revised Code, or the board determines that an applicant  
who has committed any act that is grounds for disciplinary  
action under either of those sections has made restitution or  
has been rehabilitated, or both.

(f) The applicant is not required to register under  
Chapter 2950. of the Revised Code, or a substantially similar  
law of another state, the United States, or another country.

(C) (1) To be eligible for licensure by examination or  
endorsement under division (A) or (B) of this section, an  
applicant seeking a license to practice nursing as a registered  
nurse must successfully complete either of the following:

(a) A nursing education program approved by the board  
under division (A) of section 4723.06 of the Revised Code;

(b) A nursing education program approved by a board of  
another jurisdiction that is a member of the national council of

state boards of nursing. 14303

(2) To be eligible for licensure by examination or 14304  
endorsement, an applicant seeking a license to practice nursing 14305  
as a licensed practical nurse must successfully complete one of 14306  
the following: 14307

(a) A nursing education program approved by the board 14308  
under division (A) of section 4723.06 of the Revised Code; 14309

(b) A nursing education program approved by a board of 14310  
another jurisdiction that is a member of the national council of 14311  
state boards of nursing; 14312

(c) A practical nurse course offered or approved by the 14313  
United States army; 14314

(d) A practical nurse education program approved by the 14315  
United States air force as either of the following: 14316

(i) The community college of the air force associate 14317  
degree in practical nursing technology; 14318

(ii) The allied health program, for students who graduated 14319  
that program prior to 2016. 14320

(D) The board shall grant a license to practice nursing as 14321  
a registered nurse or as a licensed practical nurse in 14322  
accordance with section 9.79 of the Revised Code to an applicant 14323  
if either of the following applies: 14324

(1) The applicant holds a license in another state. 14325

(2) The applicant has satisfactory work experience, a 14326  
government certification, or a private certification as 14327  
described in that section as a registered nurse or licensed 14328  
practical nurse in a state that does not issue that license. 14329

(E) The board may grant a nonrenewable temporary permit to practice nursing as a registered nurse or as a licensed practical nurse to an applicant for a license ~~by endorsement~~ under division (B) or (D) of this section if the board is satisfied by the evidence that the applicant holds a current, valid, and unrestricted license or equivalent authorization from another jurisdiction. Section 9.79 of the Revised Code does not apply for a temporary permit issued under this division. Subject to earlier automatic termination as described in this paragraph, the temporary permit shall expire at the earlier of one hundred eighty days after issuance or upon the issuance of a license ~~by endorsement~~ under division (B) or (D) of this section. The temporary permit shall terminate automatically if the criminal records check completed by the bureau of criminal identification and investigation as described in section 4723.091 of the Revised Code regarding the applicant indicates that the applicant is ineligible for licensure as specified in section 4723.092 of the Revised Code. An applicant whose temporary permit is automatically terminated is permanently prohibited from obtaining a license to practice nursing in this state as a registered nurse or as a licensed practical nurse.

**Sec. 4723.26.** (A) (1) As used in this section:

(a) "Free clinic" has the same meaning as in section 3701.071 of the Revised Code.

(b) "Indigent and uninsured person" and "operation" have the same meanings as in section 2305.234 of the Revised Code.

(2) For the purposes of this section, a person shall be considered retired from practice if the person's license has expired with the intention of ceasing to practice nursing as a registered nurse, licensed practical nurse, or advanced practice

registered nurse for remuneration. 14360

(B) The board of nursing may issue, without examination, a 14361  
volunteer's certificate to a qualified person who is retired 14362  
from practice so that the person may provide nursing services to 14363  
indigent and uninsured persons at any location, including a free 14364  
clinic. 14365

(C) Except as provided in division (D) of this section, an 14366  
application for a volunteer's certificate shall include all of 14367  
the following: 14368

(1) A copy or other evidence of the applicant's degree 14369  
from a school of registered nursing, practical nursing, or 14370  
advanced practice registered nursing; 14371

(2) One of the following, as applicable: 14372

(a) A copy or other evidence of the applicant's most 14373  
recent license to practice nursing as a registered nurse, 14374  
licensed practical nurse, or advanced practice registered nurse 14375  
issued by a jurisdiction in the United States that licenses 14376  
persons to practice nursing as a registered nurse, licensed 14377  
practical nurse, or advanced practice registered nurse; 14378

(b) A copy or other evidence of the applicant's most 14379  
recent license equivalent to a license to practice nursing as a 14380  
registered nurse, licensed practical nurse, or advanced practice 14381  
registered nurse in one or more branches of the United States 14382  
armed services that the United States government issued. 14383

(3) Evidence of one of the following, as applicable: 14384

(a) The applicant has maintained for at least ten years 14385  
prior to retirement a valid, unrestricted license in any 14386  
jurisdiction in the United States that licenses persons to 14387

practice nursing as a registered nurse, licensed practical 14388  
nurse, or advanced practice registered nurse. 14389

(b) The applicant has practiced nursing as a registered 14390  
nurse, licensed practical nurse, or advanced practice registered 14391  
nurse under a valid, unrestricted license for at least ten years 14392  
prior to retirement in one or more branches of the United States 14393  
armed services. 14394

(D) For an applicant retired from practice for at least 14395  
ten years, the applicant shall do both of the following: 14396

(1) Certify to the board completion of continuing nursing 14397  
education that meets the requirements of section 4723.24 of the 14398  
Revised Code and the rules adopted under that section; 14399

(2) Submit a request to the bureau of criminal 14400  
identification and investigation for a criminal records check 14401  
and check of federal bureau of investigation records pursuant to 14402  
section 4723.091 of the Revised Code. 14403

(E) Section 9.79 of the Revised Code does not apply to a 14404  
certificate issued under this section. 14405

(F) The holder of a volunteer's certificate may provide 14406  
nursing services only to indigent and uninsured persons, but may 14407  
do so at any location, including a free clinic. The holder shall 14408  
not accept any form of remuneration for providing nursing 14409  
services while in possession of the certificate. The board may 14410  
suspend or revoke a volunteer's certificate on receiving proof 14411  
satisfactory to the board that the holder has engaged in 14412  
practice in this state outside the scope of the holder's 14413  
certificate or that there are grounds for action against the 14414  
person under section 4723.28 of the Revised Code. In revoking a 14415  
certificate, the board may specify that the revocation is 14416

permanent. 14417

~~(F)~~(G) (1) A volunteer's certificate shall be valid for a 14418  
period of two years, and may be renewed upon the application of 14419  
the holder, unless the certificate is suspended or revoked under 14420  
division ~~(E)~~(F) of this section. The board shall maintain a 14421  
record of all persons who hold volunteer's certificates. The 14422  
board shall not charge a fee for issuing or renewing a 14423  
certificate pursuant to this section. 14424

(2) To be eligible for renewal of a volunteer's 14425  
certificate, the holder of the certificate shall certify to the 14426  
board completion of continuing nursing education that meets the 14427  
requirements of section 4723.24 of the Revised Code and the 14428  
rules adopted under that section. The board may not renew a 14429  
certificate if the holder has not complied with the appropriate 14430  
continuing education requirements. Any entity for which the 14431  
holder provides nursing services may pay for or reimburse the 14432  
holder for any costs incurred in obtaining the required 14433  
continuing education hours. 14434

(3) The holder of a volunteer's certificate issued 14435  
pursuant to this section is subject to the immunity provisions 14436  
regarding the provision of services to indigent and uninsured 14437  
persons in section 2305.234 of the Revised Code. 14438

~~(G)~~(H) The board shall adopt rules in accordance with 14439  
Chapter 119. of the Revised Code to administer and enforce this 14440  
section. 14441

**Sec. 4723.32.** This chapter does not prohibit any of the 14442  
following: 14443

(A) The practice of nursing by a student currently 14444  
enrolled in and actively pursuing completion of a prelicensure 14445



nursing education program, if all of the following are the case: 14446

(1) The student is participating in a program located in 14447  
this state and approved by the board of nursing or participating 14448  
in this state in a component of a program located in another 14449  
jurisdiction and approved by a board that is a member of the 14450  
national council of state boards of nursing; 14451

(2) The student's practice is under the auspices of the 14452  
program; 14453

(3) The student acts under the supervision of a registered 14454  
nurse serving for the program as a faculty member or teaching 14455  
assistant. 14456

(B) The rendering of medical assistance to a licensed 14457  
physician, licensed dentist, or licensed podiatrist by a person 14458  
under the direction, supervision, and control of such licensed 14459  
physician, dentist, or podiatrist; 14460

(C) The activities of persons employed as nursing aides, 14461  
attendants, orderlies, or other auxiliary workers in patient 14462  
homes, nurseries, nursing homes, hospitals, home health 14463  
agencies, or other similar institutions; 14464

(D) The provision of nursing services to family members or 14465  
in emergency situations; 14466

(E) The care of the sick when done in connection with the 14467  
practice of religious tenets of any church and by or for its 14468  
members; 14469

(F) The practice of nursing as an advanced practice 14470  
registered nurse by a student currently enrolled in and actively 14471  
pursuing completion of a program of study leading to initial 14472  
authorization by the board of nursing to practice nursing as an 14473

advanced practice registered nurse in a designated specialty, if 14474  
all of the following are the case: 14475

(1) The program qualifies the student to sit for the 14476  
examination of a national certifying organization approved by 14477  
the board under section 4723.46 of the Revised Code or the 14478  
program prepares the student to receive a master's or doctoral 14479  
degree in accordance with division (A) (2) of section 4723.41 of 14480  
the Revised Code; 14481

(2) The student's practice is under the auspices of the 14482  
program; 14483

(3) The student acts under the supervision of an advanced 14484  
practice registered nurse serving for the program as a faculty 14485  
member, teaching assistant, or preceptor. 14486

(G) The activities of an individual who currently holds a 14487  
license to practice nursing or equivalent authorization from 14488  
another jurisdiction, but only if the individual's activities 14489  
are limited to those activities that the same type of nurse may 14490  
engage in pursuant to a license issued under this chapter, the 14491  
individual's authority to practice has not been revoked, the 14492  
individual is not currently under suspension or on probation, 14493  
the individual does not represent the individual as being 14494  
licensed under this chapter, and one of the following is the 14495  
case: 14496

(1) The individual is engaging in the practice of nursing 14497  
by discharging official duties while employed by or under 14498  
contract with the United States government or any agency 14499  
thereof; 14500

(2) The individual is engaging in the practice of nursing 14501  
as an employee of an individual, agency, or corporation located 14502

in the other jurisdiction in a position with employment 14503  
responsibilities that include transporting patients into, out 14504  
of, or through this state, as long as each trip in this state 14505  
does not exceed seventy-two hours; 14506

(3) The individual is consulting with an individual 14507  
licensed in this state to practice any health-related 14508  
profession; 14509

(4) The individual is engaging in activities associated 14510  
with teaching in this state as a guest lecturer at or for a 14511  
nursing education program, continuing nursing education program, 14512  
or in-service presentation; 14513

(5) The individual is conducting evaluations of nursing 14514  
care that are undertaken on behalf of an accrediting 14515  
organization, including the national league for nursing 14516  
accrediting committee, the joint commission (formerly known as 14517  
the joint commission on accreditation of healthcare 14518  
organizations), or any other nationally recognized accrediting 14519  
organization; 14520

(6) The individual is providing nursing care to an 14521  
individual who is in this state on a temporary basis, not to 14522  
exceed six months in any one calendar year, if the nurse is 14523  
directly employed by or under contract with the individual or a 14524  
guardian or other person acting on the individual's behalf; 14525

(7) The individual is providing nursing care during any 14526  
disaster, natural or otherwise, that has been officially 14527  
declared to be a disaster by a public announcement issued by an 14528  
appropriate federal, state, county, or municipal official; 14529

(8) The individual is providing nursing care at a free-of- 14530  
charge camp accredited by the SeriousFun children's network that 14531

specializes in providing therapeutic recreation, as defined in 14532  
section 2305.231 of the Revised Code, for individuals with 14533  
chronic diseases, if all of the following are the case: 14534

(a) The individual provides documentation to the medical 14535  
director of the camp that the individual holds a current, valid 14536  
license to practice nursing or equivalent authorization from 14537  
another jurisdiction. 14538

(b) The individual provides nursing care only at the camp 14539  
or in connection with camp events or activities that occur off 14540  
the grounds of the camp. 14541

(c) The individual is not compensated for the individual's 14542  
services. 14543

(d) The individual provides nursing care within this state 14544  
for not more than thirty days per calendar year. 14545

(e) The camp has a medical director who holds an 14546  
unrestricted license to practice medicine issued in accordance 14547  
with Chapter 4731. of the Revised Code. 14548

(9) The individual is providing nursing care as a 14549  
volunteer without remuneration during a charitable event that 14550  
lasts not more than seven days if both of the following are the 14551  
case: 14552

(a) The individual, or the charitable event's organizer, 14553  
notifies the board of nursing not less than seven calendar days 14554  
before the first day of the charitable event of the individual's 14555  
intent to engage in the practice of nursing as a registered 14556  
nurse, advanced practice registered nurse, or licensed practical 14557  
nurse at the event; 14558

(b) If the individual's scope of practice in the other 14559

jurisdiction is more restrictive than in this state, the 14560  
individual is limited to performing only those procedures that a 14561  
registered nurse, advanced practice registered nurse, or 14562  
licensed practical nurse in the other jurisdiction may perform. 14563

(H) The administration of medication by an individual who 14564  
holds a valid medication aide certificate issued under this 14565  
chapter, if the medication is administered to a resident of a 14566  
nursing home, residential care facility, or ICF/IID authorized 14567  
by section 4723.64 of the Revised Code to use a certified 14568  
medication aide and the medication is administered in accordance 14569  
with section 4723.67 of the Revised Code. 14570

(I) An individual who holds a license to practice nursing 14571  
or equivalent authorization from another jurisdiction is not 14572  
required to obtain a license in accordance with section 9.79 of 14573  
the Revised Code to perform the activities described under 14574  
division (G) of this section. 14575

**Sec. 4723.41.** (A) Each person who desires to practice 14576  
nursing as a certified nurse-midwife and has not been authorized 14577  
to practice midwifery prior to December 1, 1967, and each person 14578  
who desires to practice nursing as a certified registered nurse 14579  
anesthetist, clinical nurse specialist, or certified nurse 14580  
practitioner shall file with the board of nursing a written 14581  
application for a license to practice nursing as an advanced 14582  
practice registered nurse and designation in the desired 14583  
specialty. The application must be filed, under oath, on a form 14584  
prescribed by the board accompanied by the application fee 14585  
required by section 4723.08 of the Revised Code. 14586

Except as provided in division (B), (C), or (D) of this 14587  
section, at the time of making application, the applicant shall 14588  
meet all of the following requirements: 14589

- (1) Be a registered nurse; 14590
- (2) Submit documentation satisfactory to the board that 14591  
the applicant has earned a master's or doctoral degree with a 14592  
major in a nursing specialty or in a related field that 14593  
qualifies the applicant to sit for the certification examination 14594  
of a national certifying organization approved by the board 14595  
under section 4723.46 of the Revised Code; 14596
- (3) Submit documentation satisfactory to the board of 14597  
having passed the certification examination of a national 14598  
certifying organization approved by the board under section 14599  
4723.46 of the Revised Code to examine and certify, as 14600  
applicable, nurse-midwives, registered nurse anesthetists, 14601  
clinical nurse specialists, or nurse practitioners; 14602
- (4) Submit an affidavit with the application that states 14603  
all of the following: 14604
- (a) That the applicant is the person named in the 14605  
documents submitted under this section and is the lawful 14606  
possessor thereof; 14607
- (b) The applicant's age, residence, the school at which 14608  
the applicant obtained education in the applicant's nursing 14609  
specialty, and any other facts that the board requires; 14610
- (c) The specialty in which the applicant seeks 14611  
designation. 14612
- (B) (1) A certified registered nurse anesthetist, clinical 14613  
nurse specialist, certified nurse-midwife, or certified nurse 14614  
practitioner who is practicing or has practiced as such in 14615  
another jurisdiction other than another state may apply for a 14616  
license by endorsement to practice nursing as an advanced 14617  
practice registered nurse and designation as a certified 14618

registered nurse anesthetist, clinical nurse specialist, 14619  
certified nurse-midwife, or certified nurse practitioner in this 14620  
state if the nurse meets the requirements set forth in division 14621  
(A) of this section or division (B) (2) of this section. 14622

(2) If an applicant who is practicing or has practiced in 14623  
another jurisdiction other than another state applies for 14624  
designation under division (B) (2) of this section, the 14625  
application shall be submitted to the board in the form 14626  
prescribed by rules of the board and be accompanied by the 14627  
application fee required by section 4723.08 of the Revised Code. 14628  
The application shall include evidence that the applicant meets 14629  
the requirements of division (B) (2) of this section, holds 14630  
authority to practice nursing and is in good standing in another 14631  
jurisdiction other than another state granted after meeting 14632  
requirements approved by the entity of that jurisdiction that 14633  
regulates nurses, and other information required by rules of the 14634  
board of nursing. 14635

With respect to the educational requirements and national 14636  
certification requirements that an applicant under division (B) 14637  
(2) of this section must meet, both of the following apply: 14638

(a) If the applicant is a certified registered nurse 14639  
anesthetist, certified nurse-midwife, or certified nurse 14640  
practitioner who, on or before December 31, 2000, obtained 14641  
certification in the applicant's nursing specialty with a 14642  
national certifying organization listed in division (A) (3) of 14643  
section 4723.41 of the Revised Code as that division existed 14644  
prior to March 20, 2013, or that was at that time approved by 14645  
the board under section 4723.46 of the Revised Code, the 14646  
applicant must have maintained the certification. The applicant 14647  
is not required to have earned a master's or doctoral degree 14648

with a major in a nursing specialty or in a related field that 14649  
qualifies the applicant to sit for the certification 14650  
examination. 14651

(b) If the applicant is a clinical nurse specialist, one 14652  
of the following must apply to the applicant: 14653

(i) On or before December 31, 2000, the applicant obtained 14654  
a master's or doctoral degree with a major in a clinical area of 14655  
nursing from an educational institution accredited by a national 14656  
or regional accrediting organization. The applicant is not 14657  
required to have passed a certification examination. 14658

(ii) On or before December 31, 2000, the applicant 14659  
obtained a master's or doctoral degree in nursing or a related 14660  
field and was certified as a clinical nurse specialist by the 14661  
American nurses credentialing center or another national 14662  
certifying organization that was at that time approved by the 14663  
board under section 4723.46 of the Revised Code. 14664

(3) The board shall grant a license to practice nursing as 14665  
an advanced practice registered nurse in accordance with section 14666  
9.79 of the Revised Code to an applicant if either of the 14667  
following applies: 14668

(a) The applicant holds a license in another state. 14669

(b) The applicant has satisfactory work experience, a 14670  
government certification, or a private certification as 14671  
described in that section as an advanced practice registered 14672  
nurse in a state that does not issue that license. 14673

(4) The board may grant a nonrenewable temporary permit to 14674  
practice nursing as an advanced practice registered nurse to an 14675  
applicant for licensure ~~by endorsement~~ under division (B) (2) or 14676  
(3) of this section if the board is satisfied by the evidence 14677



that the applicant holds a valid, unrestricted license in or 14678  
equivalent authorization from another jurisdiction. Section 9.79 14679  
of the Revised Code does not apply to a temporary permit issued 14680  
under this division. The temporary permit shall expire at the 14681  
earlier of one hundred eighty days after issuance or upon the 14682  
issuance of a license ~~by endorsement~~ under division (B) (2) or 14683  
(3) of this section. 14684

(C) An applicant who desires to practice nursing as a 14685  
certified registered nurse anesthetist, certified nurse-midwife, 14686  
or certified nurse practitioner is exempt from the educational 14687  
requirements in division (A) (2) of this section if all of the 14688  
following are the case: 14689

(1) Before January 1, 2001, the board issued to the 14690  
applicant a certificate of authority to practice as a certified 14691  
registered nurse anesthetist, certified nurse-midwife, or 14692  
certified nurse practitioner; 14693

(2) The applicant submits documentation satisfactory to 14694  
the board that the applicant obtained certification in the 14695  
applicant's nursing specialty with a national certifying 14696  
organization listed in division (A) (3) of section 4723.41 of the 14697  
Revised Code as that division existed prior to March 20, 2013, 14698  
or that was at that time approved by the board under section 14699  
4723.46 of the Revised Code; 14700

(3) The applicant submits documentation satisfactory to 14701  
the board that the applicant has maintained the certification 14702  
described in division (C) (2) of this section. 14703

(D) An applicant who desires to practice as a clinical 14704  
nurse specialist is exempt from the examination requirement in 14705  
division (A) (3) of this section if both of the following are the 14706

case: 14707

(1) Before January 1, 2001, the board issued to the 14708  
applicant a certificate of authority to practice as a clinical 14709  
nurse specialist; 14710

(2) The applicant submits documentation satisfactory to 14711  
the board that the applicant earned either of the following: 14712

(a) A master's or doctoral degree with a major in a 14713  
clinical area of nursing from an educational institution 14714  
accredited by a national or regional accrediting organization; 14715

(b) A master's or doctoral degree in nursing or a related 14716  
field and was certified as a clinical nurse specialist by the 14717  
American nurses credentialing center or another national 14718  
certifying organization that was at that time approved by the 14719  
board under section 4723.46 of the Revised Code. 14720

**Sec. 4723.651.** (A) To be eligible to receive a medication 14721  
aide certificate, an applicant shall meet all of the following 14722  
conditions: 14723

(1) Be at least eighteen years of age; 14724

(2) Have a high school diploma or a certificate of high 14725  
school equivalence as defined in section 5107.40 of the Revised 14726  
Code; 14727

(3) If the applicant is to practice as a medication aide 14728  
in a nursing home, be a nurse aide who satisfies the 14729  
requirements of division (A) (1), (2), (3), (4), (5), (6), or (8) 14730  
of section 3721.32 of the Revised Code; 14731

(4) If the applicant is to practice as a medication aide 14732  
in a residential care facility, be a nurse aide who satisfies 14733  
the requirements of division (A) (1), (2), (3), (4), (5), (6), or 14734

(8) of section 3721.32 of the Revised Code or an individual who 14735  
has at least one year of direct care experience in a residential 14736  
care facility; 14737

(5) If the applicant is to practice as a medication aide 14738  
in an ICF/IID, be a nurse aide who satisfies the requirements of 14739  
division (A) (1), (2), (3), (4), (5), (6), or (8) of section 14740  
3721.32 of the Revised Code or an individual who has at least 14741  
one year of direct care experience in an ICF/IID; 14742

(6) Successfully complete the course of instruction 14743  
provided by a training program approved under section 4723.66 of 14744  
the Revised Code; 14745

(7) Not be ineligible for licensure or certification as 14746  
specified in section 4723.092 of the Revised Code; 14747

(8) Have not committed any act that is grounds for 14748  
disciplinary action under section 3123.47 or 4723.28 of the 14749  
Revised Code or be determined by the board to have made 14750  
restitution, been rehabilitated, or both; 14751

(9) Not be required to register under Chapter 2950. of the 14752  
Revised Code or a substantially similar law of another state, 14753  
the United States, or another country; 14754

(10) Meet all other requirements for a medication aide 14755  
certificate established in rules adopted under section 4723.69 14756  
of the Revised Code. 14757

(B) ~~If Except as provided in division (C) of this section,~~ 14758  
if an applicant meets the requirements specified in division (A) 14759  
of this section, the board of nursing shall issue a medication 14760  
aide certificate to the applicant. If a medication aide 14761  
certificate is issued to an individual on the basis of having at 14762  
least one year of direct care experience working in a 14763

residential care facility, as provided in division (A)(4) of 14764  
this section, the certificate is valid for use only in a 14765  
residential care facility. If a medication aide certificate is 14766  
issued to an individual on the basis of having at least one year 14767  
of direct care experience working in an ICF/IID, as provided in 14768  
division (A)(5) of this section, the certificate is valid for 14769  
use only in an ICF/IID. The board shall state the limitation on 14770  
the certificate issued to the individual. 14771

(C) The board shall issue a medication aide certificate in 14772  
accordance with section 9.79 of the Revised Code to an applicant 14773  
if either of the following applies: 14774

(1) The applicant holds a certificate or license in 14775  
another state. 14776

(2) The applicant has satisfactory work experience, a 14777  
government certification, or a private certification as 14778  
described in that section as a medication aide in a state that 14779  
does not issue that certificate or license. 14780

(D) A medication aide certificate is valid for two years, 14781  
unless earlier suspended or revoked. The certificate may be 14782  
renewed in accordance with procedures specified by the board in 14783  
rules adopted under section 4723.69 of the Revised Code. To be 14784  
eligible for renewal, an applicant shall pay the renewal fee 14785  
established in the rules and meet all renewal qualifications 14786  
specified in the rules. 14787

**Sec. 4723.75.** (A) The Except as provided in division (D) 14788  
of this section, the board of nursing shall issue a certificate 14789  
to practice as a dialysis technician to an applicant if the 14790  
conditions of divisions (A)(1) to (5) of this section have been 14791  
met: 14792

(1) The application is submitted to the board in 14793  
accordance with rules adopted under section 4723.79 of the 14794  
Revised Code and includes both of the following: 14795

(a) The fee established in rules adopted under section 14796  
4723.79 of the Revised Code; 14797

(b) The name and address of each approved dialysis 14798  
training program in which the applicant has enrolled and the 14799  
dates during which the applicant was enrolled in each program. 14800

(2) The applicant meets the requirements established by 14801  
the board's rules. 14802

(3) The applicant demonstrates competency to practice as a 14803  
dialysis technician, as specified in division (B) of this 14804  
section. 14805

(4) In the case of an applicant who entered a dialysis 14806  
training program on or after June 1, 2003, the results of a 14807  
criminal records check conducted in accordance with section 14808  
4723.091 of the Revised Code demonstrate that the applicant is 14809  
not ineligible for certification as specified in section 14810  
4723.092 of the Revised Code. 14811

(5) The applicant is not required to register under 14812  
Chapter 2950. of the Revised Code or a substantially similar law 14813  
of another state, the United States, or another country. 14814

(B) For an applicant to demonstrate competence to practice 14815  
as a dialysis technician, one of the following must apply: 14816

(1) The applicant has successfully completed a dialysis 14817  
training program approved by the board under section 4723.74 of 14818  
the Revised Code and meets both of the following requirements: 14819

(a) Has performed dialysis care for a dialysis provider 14820

for not less than six months immediately prior to the date of 14821  
application; 14822

(b) Has passed a certification examination demonstrating 14823  
competence to perform dialysis care not later than eighteen 14824  
months after successfully completing a dialysis training program 14825  
approved by the board under section 4723.74 of the Revised Code. 14826

(2) The applicant does all of the following: 14827

(a) Has a testing organization approved by the board 14828  
submit evidence satisfactory to the board that the applicant 14829  
passed an examination, in another jurisdiction, that 14830  
demonstrates the applicant's competence to provide dialysis 14831  
care; 14832

(b) Submits evidence satisfactory to the board that the 14833  
applicant has been employed to perform dialysis care in another 14834  
jurisdiction for not less than six months immediately prior to 14835  
the date of application for certification under this section; 14836

(c) Submits evidence satisfactory to the board that the 14837  
applicant completed at least two hours of education directly 14838  
related to this chapter and the rules adopted under it. 14839

(C) An applicant who does not pass the certification 14840  
examination described in division (B) (1) (b) of this section 14841  
within the time period prescribed in that division may continue 14842  
to pursue certification by repeating the entire training and 14843  
application process, including doing all of the following: 14844

(1) Enrolling in and successfully completing a dialysis 14845  
training program approved by the board; 14846

(2) Submitting a request to the bureau of criminal 14847  
identification and investigation for a criminal records check 14848

and check of federal bureau of investigation records pursuant to 14849  
section 4723.091 of the Revised Code; 14850

(3) Submitting an application for a dialysis technician 14851  
intern certificate in accordance with section 4723.76 of the 14852  
Revised Code; 14853

(4) Demonstrating competence to perform dialysis care in 14854  
accordance with division (B) of this section. 14855

(D) The board shall issue a certificate to practice as a 14856  
dialysis technician in accordance with section 9.79 of the 14857  
Revised Code to an applicant if either of the following applies: 14858

(1) The applicant holds a certificate or license in 14859  
another state. 14860

(2) The applicant has satisfactory work experience, a 14861  
government certification, or a private certification as 14862  
described in that section as a dialysis technician in a state 14863  
that does not issue that certificate or license. 14864

**Sec. 4723.76.** (A) The—Except as provided in division (D) 14865  
of this section, the board of nursing shall issue a certificate 14866  
to practice as a dialysis technician intern to an applicant who 14867  
has not passed the dialysis technician certification examination 14868  
required by section 4723.751 of the Revised Code, but who 14869  
satisfies all of the following requirements: 14870

(1) Applies to the board in accordance with rules adopted 14871  
under section 4723.79 of the Revised Code and includes with the 14872  
application both of the following: 14873

(a) The fee established in rules adopted under section 14874  
4723.79 of the Revised Code; 14875

(b) The name and address of all dialysis training programs 14876

approved by the board in which the applicant has been enrolled 14877  
and the dates of enrollment in each program. 14878

(2) Provides documentation from the applicant's employer 14879  
attesting that the applicant is competent to perform dialysis 14880  
care; 14881

(3) Has successfully completed a dialysis training program 14882  
approved by the board of nursing under section 4723.74 of the 14883  
Revised Code; 14884

(4) Is not required to register under Chapter 2950. of the 14885  
Revised Code or a substantially similar law of another state, 14886  
the United States, or another country. 14887

(B) A dialysis technician intern certificate issued to an 14888  
applicant who meets the requirements in division (A) of this 14889  
section is valid for a period of time that is eighteen months 14890  
from the date on which the applicant successfully completed a 14891  
dialysis training program approved by the board under section 14892  
4723.74 of the Revised Code, minus the time the applicant was 14893  
enrolled in one or more dialysis training programs approved by 14894  
the board. 14895

(C) A dialysis technician intern certificate issued under 14896  
this section may not be renewed. 14897

(D) (1) The board shall issue a certificate to practice as 14898  
a dialysis technician intern in accordance with section 9.79 of 14899  
the Revised Code to an applicant if either of the following 14900  
applies: 14901

(a) The applicant holds a certificate or license in 14902  
another state. 14903

(b) The applicant has satisfactory work experience, a 14904



government certification, or a private certification as 14905  
described in that section as a dialysis technician intern in a 14906  
state that does not issue that certificate or license. 14907

(2) A certificate issued under section 9.79 of the Revised 14908  
Code is valid for the same time period as described in division 14909  
(B) of this section. 14910

**Sec. 4723.85.** (A) The board of nursing shall review all 14911  
applications received under section 4723.83 of the Revised Code. 14912  
If an applicant meets the requirements of section 4723.84 of the 14913  
Revised Code, the board shall issue a community health worker 14914  
certificate to the applicant. 14915

(B) Notwithstanding the requirements specified in section 14916  
4723.84 of the Revised Code, the board shall issue a community 14917  
health worker certificate in accordance with section 9.79 of the 14918  
Revised Code to an applicant if either of the following applies: 14919

(1) The applicant holds a certificate or license in 14920  
another state. 14921

(2) The applicant has satisfactory work experience, a 14922  
government certification, or a private certification as 14923  
described in that section as a community health worker in a 14924  
state that does not issue that certificate or license. 14925

(C) A community health worker certificate issued under 14926  
division (A) or (B) of this section expires biennially and may 14927  
be renewed in accordance with the schedule and procedures 14928  
established by the board in rules adopted under section 4723.88 14929  
of the Revised Code. To be eligible for renewal, an individual 14930  
must complete the continuing education requirements established 14931  
by the board in rules adopted under section 4723.88 of the 14932  
Revised Code and meet all other requirements for renewal, as 14933

specified in the board's rules adopted under that section. If an 14934  
applicant for renewal has successfully completed the continuing 14935  
education requirements and meets all other requirements for 14936  
renewal, the board shall issue a renewed community health worker 14937  
certificate to the applicant. 14938

**Sec. 4725.13.** (A) The state vision professionals board, by 14939  
an affirmative vote of a majority of its members, shall issue 14940  
certificates under its seal as follows: 14941

(1) Every applicant who, prior to May 19, 1992, passed the 14942  
licensing examination then in effect, and who otherwise complies 14943  
with sections 4725.01 to 4725.34 of the Revised Code shall 14944  
receive from the board a certificate of licensure authorizing 14945  
the holder to engage in the practice of optometry as provided in 14946  
division (A)(1) of section 4725.01 of the Revised Code. 14947

(2) Every applicant who, prior to May 19, 1992, passed the 14948  
general and ocular pharmacology examination then in effect, and 14949  
who otherwise complies with sections 4725.01 to 4725.34 of the 14950  
Revised Code, shall receive from the board a separate topical 14951  
ocular pharmaceutical agents certificate authorizing the holder 14952  
to administer topical ocular pharmaceutical agents as provided 14953  
in division (A)(2) of section 4725.01 of the Revised Code and in 14954  
accordance with sections 4725.01 to 4725.34 of the Revised Code. 14955

(3) Every applicant who holds a valid certificate of 14956  
licensure issued prior to May 19, 1992, and meets the 14957  
requirements of section 4725.14 of the Revised Code shall 14958  
receive from the board a separate therapeutic pharmaceutical 14959  
agents certificate authorizing the holder to engage in the 14960  
practice of optometry as provided in division (A)(3) of section 14961  
4725.01 of the Revised Code. 14962

(4) Every applicant who, on or after May 19, 1992, passes 14963  
all parts of the licensing examination accepted by the board 14964  
under section 4725.11 of the Revised Code and otherwise complies 14965  
with the requirements of sections 4725.01 to 4725.34 of the 14966  
Revised Code shall receive from the board a certificate of 14967  
licensure authorizing the holder to engage in the practice of 14968  
optometry as provided in division (A)(1) of section 4725.01 of 14969  
the Revised Code and a separate therapeutic pharmaceutical 14970  
agents certificate authorizing the holder to engage in the 14971  
practice of optometry as provided in division (A)(3) of that 14972  
section. 14973

(B) Each person to whom a certificate is issued pursuant 14974  
to this section by the board shall keep the certificate 14975  
displayed in a conspicuous place in the location at which that 14976  
person practices optometry and shall whenever required exhibit 14977  
the certificate to any member or agent of the board. If an 14978  
optometrist practices outside of or away from the location at 14979  
which the optometrist's certificate of licensure is displayed, 14980  
the optometrist shall deliver to each person examined or fitted 14981  
with optical accessories by the optometrist, a receipt signed by 14982  
the optometrist in which the optometrist shall set forth the 14983  
amounts charged, the optometrist's post-office address, and the 14984  
number assigned to the optometrist's certificate of licensure. 14985  
The information may be provided as part of a prescription given 14986  
to the person. 14987

(C) A person who, on May 19, 1992, holds a valid 14988  
certificate of licensure or topical ocular pharmaceutical agents 14989  
certificate issued by the board may continue to engage in the 14990  
practice of optometry as provided by the certificate of 14991  
licensure or topical ocular pharmaceutical agents certificate if 14992  
the person continues to comply with sections 4725.01 to 4725.34 14993

of the Revised Code as required by the certificate of licensure 14994  
or topical ocular pharmaceutical agents certificate. 14995

(D) Section 9.79 of the Revised Code does not apply to 14996  
certificates issued under division (A) (2) or (3) of this 14997  
section. 14998

**Sec. 4725.18.** (A) The state vision professionals board may 14999  
issue a certificate of licensure and therapeutic pharmaceutical 15000  
agents certificate by endorsement to an individual licensed as 15001  
an optometrist by ~~another state or~~ a Canadian province if the 15002  
board determines that the ~~other state or~~ province has standards 15003  
for the practice of optometry that are at least as stringent as 15004  
the standards established under sections 4725.01 to 4725.34 of 15005  
the Revised Code and the individual meets the conditions 15006  
specified in division (B) of this section. The certificates may 15007  
be issued only by an affirmative vote of a majority of the 15008  
board's members. 15009

(B) An individual seeking a certificate of licensure and 15010  
therapeutic pharmaceutical agents certificate pursuant to 15011  
division (A) of this section shall submit an application to the 15012  
board. To receive the certificates, an applicant must meet all 15013  
of the following conditions: 15014

(1) Meet the same qualifications that an individual must 15015  
meet under divisions (B) (1) to (4) of section 4725.12 of the 15016  
Revised Code to receive a certificate of licensure and 15017  
therapeutic pharmaceutical agents certificate under that 15018  
section; 15019

(2) Be licensed to practice optometry by a ~~state or~~ 15020  
Canadian province that requires passage of a written, entry- 15021  
level examination at the time of initial licensure; 15022

- (3) Be licensed in good standing by the optometry 15023  
licensing agency of the ~~other state or~~ province, evidenced by 15024  
submission of a letter from the licensing agency of the ~~other~~ 15025  
~~state or~~ province attesting to the applicant's good standing; 15026
- (4) Provide the board with certified reports from the 15027  
optometry licensing agencies of all ~~states and~~ provinces in 15028  
which the applicant is licensed or has been licensed to practice 15029  
optometry describing all past and pending actions taken by those 15030  
agencies with respect to the applicant's authority to practice 15031  
optometry in those jurisdictions, including such actions as 15032  
investigations, entering into consent agreements, suspensions, 15033  
revocations, and refusals to issue or renew a license; 15034
- (5) Have been actively engaged in the practice of 15035  
optometry, including the use of therapeutic pharmaceutical 15036  
agents, for at least three years immediately preceding making 15037  
application under this section; 15038
- (6) Pay the nonrefundable application fees established 15039  
under section 4725.34 of the Revised Code for a certificate of 15040  
licensure and therapeutic pharmaceutical agents certificate; 15041
- (7) Submit all transcripts, reports, or other information 15042  
the board requires; 15043
- (8) Participate in a two-hour instruction session provided 15044  
by the board on the optometry statutes and rules of this state 15045  
or pass an Ohio optometry jurisprudence test administered by the 15046  
board; 15047
- (9) Pass all or part of the licensing examination accepted 15048  
by the board under section 4725.11 of the Revised Code, if the 15049  
board determines that testing is necessary to determine whether 15050  
the applicant's qualifications are sufficient for issuance of a 15051

certificate of licensure and therapeutic pharmaceutical agents 15052  
certificate under this section; 15053

(10) Not have been previously denied issuance of a 15054  
certificate by the board. 15055

(C) The board shall issue a certificate of licensure and 15056  
therapeutic pharmaceutical agents certificate in accordance with 15057  
section 9.79 of the Revised Code to an applicant if either of 15058  
the following applies: 15059

(1) The applicant holds a certificate or license in 15060  
another state. 15061

(2) The applicant has satisfactory work experience, a 15062  
government certification, or a private certification as 15063  
described in that section in the practice of optometry using 15064  
therapeutic pharmaceutical agents in a state that does not issue 15065  
that license or certificate. 15066

**Sec. 4725.26.** Division (A) of section 4725.02 of the 15067  
Revised Code does not apply to the following: 15068

(A) Physicians authorized to practice medicine and surgery 15069  
or osteopathic medicine and surgery under Chapter 4731. of the 15070  
Revised Code; 15071

(B) Persons who sell optical accessories but do not assume 15072  
to adapt them to the eye, and neither practice nor profess to 15073  
practice optometry; 15074

(C) An instructor in a school of optometry that is located 15075  
in this state and approved by the state vision professionals 15076  
board under section 4725.10 of the Revised Code who holds a 15077  
valid current license to practice optometry from a licensing 15078  
body in another jurisdiction and limits the practice of 15079

optometry to the instruction of students enrolled in the school. 15080  
The state vision professionals board shall not require an 15081  
instructor who holds a license in another state to obtain a 15082  
license in accordance with section 9.79 of the Revised Code to 15083  
practice optometry in the manner described under this division. 15084

(D) A student enrolled in a school of optometry, located 15085  
in this or another state and approved by the board under section 15086  
4725.10 of the Revised Code, while the student is participating 15087  
in this state in an optometry training program provided or 15088  
sponsored by the school, if the student acts under the direct, 15089  
personal supervision and control of an optometrist licensed by 15090  
the board or authorized to practice pursuant to division (C) of 15091  
this section. 15092

(E) An individual who is licensed or otherwise 15093  
specifically authorized by the Revised Code to engage in an 15094  
activity that is included in the practice of optometry. 15095

(F) An individual who is not licensed or otherwise 15096  
specifically authorized by the Revised Code to engage in an 15097  
activity that is included in the practice of optometry, but is 15098  
acting pursuant to the rules for delegation of optometric tasks 15099  
adopted under section 4725.09 of the Revised Code. 15100

(G) An individual who holds in good standing a valid 15101  
license to practice optometry from a licensing body in another 15102  
jurisdiction and is practicing as a volunteer without 15103  
remuneration during a charitable event that lasts not more than 15104  
seven days. 15105

When an individual meets the conditions of this division, 15106  
the individual shall be deemed to hold, during the course of the 15107  
charitable event, a license to practice optometry from the state 15108

vision professionals board and shall be subject to the 15109  
provisions of this chapter authorizing the board to take 15110  
disciplinary action against a license holder. Not less than 15111  
seven calendar days before the first day of the charitable 15112  
event, the individual or the event's organizer shall notify the 15113  
board of the individual's intent to engage in the practice of 15114  
optometry at the event. During the course of the charitable 15115  
event, the individual's scope of practice is limited to the 15116  
procedures that an optometrist licensed under this chapter is 15117  
authorized to perform unless the individual's scope of practice 15118  
in the other jurisdiction is more restrictive than in this 15119  
state. If the latter is the case, the individual's scope of 15120  
practice is limited to the procedures that an optometrist in the 15121  
other jurisdiction may perform. 15122

The board shall not require an individual who holds a 15123  
license in another state to obtain a license in accordance with 15124  
section 9.79 of the Revised Code to practice optometry as a 15125  
volunteer in the manner described under this division. 15126

**Sec. 4725.48.** (A) Any person who desires to engage in 15127  
optical dispensing shall file a properly completed application 15128  
for an examination with the state vision professionals board or 15129  
with the testing service the board has contracted with pursuant 15130  
to section 4725.49 of the Revised Code. The application for 15131  
examination shall be made using a form provided by the board and 15132  
shall be accompanied by an examination fee the board shall 15133  
establish by rule. 15134

(B) Any person who desires to engage in optical dispensing 15135  
shall file a properly completed application for a license with 15136  
the board with a licensure application fee of fifty dollars. 15137

No person shall be eligible to apply for a license under 15138



this division, unless the person is at least eighteen years of age, is free of contagious or infectious disease, has received a passing score, as determined by the board, on the examination administered under division (A) of this section, is a graduate of an accredited high school of any state, or has received an equivalent education and has successfully completed either of the following:

(1) Two years of supervised experience under a licensed dispensing optician, optometrist, or physician engaged in the practice of ophthalmology, up to one year of which may be continuous experience of not less than thirty hours a week in an optical laboratory;

(2) A two-year college level program in optical dispensing that has been approved by the board and that includes, but is not limited to, courses of study in mathematics, science, English, anatomy and physiology of the eye, applied optics, ophthalmic optics, measurement and inspection of lenses, lens grinding and edging, ophthalmic lens design, keratometry, and the fitting and adjusting of spectacle lenses and frames and contact lenses, including methods of fitting contact lenses and post-fitting care.

(C) (1) Any person who desires to obtain a license to practice as an ocularist shall file a properly completed application with the board accompanied by the appropriate fee and proof that the applicant has met the requirements for licensure. The board shall establish, by rule, the application fee and the minimum requirements for licensure, including education, examination, or experience standards recognized by the board as national standards for ocularists. The board shall issue a license to practice as an ocularist to an applicant who

satisfies the requirements of this division and rules adopted 15169  
pursuant to this division. 15170

(2) The board shall issue a license to practice as an 15171  
ocularist in accordance with section 9.79 of the Revised Code to 15172  
an applicant if either of the following applies: 15173

(a) The applicant holds a license in another state. 15174

(b) The applicant has satisfactory work experience, a 15175  
government certification, or a private certification as 15176  
described in that section as an ocularist in a state that does 15177  
not issue that license. 15178

(D) (1) Subject to divisions (D) (2), (3), and (4) of this 15179  
section, the board shall not adopt, maintain, renew, or enforce 15180  
any rule that precludes an individual from receiving or renewing 15181  
a license as a dispensing optician issued under sections 4725.40 15182  
to 4725.59 of the Revised Code due to any past criminal activity 15183  
or interpretation of moral character, unless the individual has 15184  
committed a crime of moral turpitude or a disqualifying offense 15185  
as those terms are defined in section 4776.10 of the Revised 15186  
Code. If the board denies an individual a license or license 15187  
renewal, the reasons for such denial shall be put in writing. 15188

(2) Except as otherwise provided in this division, if an 15189  
individual applying for a license has been convicted of or 15190  
pleaded guilty to a misdemeanor that is not a crime of moral 15191  
turpitude or a disqualifying offense less than one year prior to 15192  
making the application, the board may use its discretion in 15193  
granting or denying the individual a license. Except as 15194  
otherwise provided in this division, if an individual applying 15195  
for a license has been convicted of or pleaded guilty to a 15196  
felony that is not a crime of moral turpitude or a disqualifying 15197

offense less than three years prior to making the application, 15198  
the board may use its discretion in granting or denying the 15199  
individual a license. The provisions in this paragraph do not 15200  
apply with respect to any offense unless the board, prior to 15201  
September 28, 2012, was required or authorized to deny the 15202  
application based on that offense. 15203

In all other circumstances, the board shall follow the 15204  
procedures it adopts by rule that conform to division (D)(1) of 15205  
this section. 15206

(3) In considering a renewal of an individual's license, 15207  
the board shall not consider any conviction or plea of guilty 15208  
prior to the initial licensing. However, the board may consider 15209  
a conviction or plea of guilty if it occurred after the 15210  
individual was initially licensed, or after the most recent 15211  
license renewal. 15212

(4) The board may grant an individual a conditional 15213  
license that lasts for one year. After the one-year period has 15214  
expired, the license is no longer considered conditional, and 15215  
the individual shall be considered fully licensed. 15216

(E) The board, subject to the approval of the controlling 15217  
board, may establish examination fees in excess of the amount 15218  
established by rule pursuant to this section, provided that such 15219  
fees do not exceed those amounts established in rule by more 15220  
than fifty per cent. 15221

**Sec. 4725.52.** Any licensed dispensing optician may 15222  
supervise a maximum of three apprentices who shall be permitted 15223  
to engage in optical dispensing only under the supervision of 15224  
the licensed dispensing optician. 15225

To serve as an apprentice, a person shall register with 15226

the state vision professionals board on a form provided by the 15227  
board and in the form of a statement giving the name and address 15228  
of the supervising licensed dispensing optician, the location at 15229  
which the apprentice will be employed, and any other information 15230  
required by the board. For the duration of the apprenticeship, 15231  
the apprentice shall register annually on the form provided by 15232  
the board and in the form of a statement. 15233

Each apprentice shall pay an initial registration fee of 15234  
twenty dollars. For each registration renewal thereafter, each 15235  
apprentice shall pay a registration renewal fee of twenty 15236  
dollars. 15237

The board shall grant registration as an apprentice under 15238  
this section in accordance with section 9.79 of the Revised Code 15239  
to an applicant if the applicant holds a registration or license 15240  
in another state or has satisfactory work experience, a 15241  
government certification, or a private certification as 15242  
described in that section as an apprentice permitted to engage 15243  
in supervised optical dispensing in a state that does not grant 15244  
that registration or license. 15245

The board shall not deny registration as an apprentice 15246  
under this section to any individual based on the individual's 15247  
past criminal history or an interpretation of moral character 15248  
unless the individual has committed a disqualifying offense or 15249  
crime of moral turpitude as those terms are defined in section 15250  
4776.10 of the Revised Code. Except as otherwise provided in 15251  
this division, if an individual applying for a registration has 15252  
been convicted of or pleaded guilty to a misdemeanor that is not 15253  
a crime of moral turpitude or a disqualifying offense less than 15254  
one year prior to making the application, the board may use its 15255  
discretion in granting or denying the individual a registration. 15256

Except as otherwise provided in this division, if an individual  
applying for a registration has been convicted of or pleaded  
guilty to a felony that is not a crime of moral turpitude or a  
disqualifying offense less than three years prior to making the  
application, the board may use its discretion in granting or  
denying the individual a registration. The provisions in this  
paragraph do not apply with respect to any offense unless the  
board, prior to September 28, 2012, was required or authorized  
to deny the registration based on that offense.

In all other circumstances, the board shall follow the  
procedures it adopts by rule that conform to this section. In  
considering a renewal of an individual's registration, the board  
shall not consider any conviction or plea of guilty prior to the  
initial registration. However, the board may consider a  
conviction or plea of guilty if it occurred after the individual  
was initially registered, or after the most recent registration  
renewal. If the board denies an individual for a registration or  
registration renewal, the reasons for such denial shall be put  
in writing. Additionally, the board may grant an individual a  
conditional registration that lasts for one year. After the one-  
year period has expired, the registration is no longer  
considered conditional, and the individual shall be considered  
fully registered.

A person who is gaining experience under the supervision  
of a licensed optometrist or ophthalmologist that would qualify  
the person under division (B)(1) of section 4725.48 of the  
Revised Code to take the examination for optical dispensing is  
not required to register with the board.

**Sec. 4725.57.** ~~An applicant for licensure as a licensed  
dispensing optician who is licensed or registered in another~~

~~state shall be accorded the full privileges of practice within~~ 15287  
~~this state, upon the payment of a fifty dollar fee and the~~ 15288  
~~submission of a certified copy of the license or certificate~~ 15289  
~~issued by such other state, without the necessity of~~ 15290  
~~examination, if the~~ The state vision professionals board 15291  
~~determines that the~~ shall issue a license to engage in optical 15292  
dispensing in accordance with section 9.79 of the Revised Code 15293  
to an applicant meets the remaining requirements of division (B) 15294  
of section 4725.48 of the Revised Code. The board may require 15295  
that the applicant have received a passing score, as determined 15296  
by the board, on an examination that is substantially the same 15297  
as the examination described in division (A) of section 4725.48 15298  
of the Revised Code if either of the following applies: 15299

(A) The applicant holds a license or registration in 15300  
another state. 15301

(B) The applicant has satisfactory work experience, a 15302  
government certification, or a private certification as 15303  
described in that section as a dispensing optician in a state 15304  
that does not issue that license or registration. 15305

**Sec. 4725.591.** Section 4725.41 of the Revised Code does 15306  
not apply to a person who holds in good standing a valid license 15307  
from another state to engage in optical dispensing and is 15308  
engaging in optical dispensing as a volunteer without 15309  
remuneration during a charitable event that lasts not more than 15310  
seven days. 15311

When a person meets the conditions of this section, the 15312  
person shall be deemed to hold, during the course of the 15313  
charitable event, a license to engage in optical dispensing from 15314  
the state vision professionals board and shall be subject to the 15315  
provisions of this chapter authorizing the board to take 15316

disciplinary action against a license holder. Not less than 15317  
seven calendar days before the first day of the charitable 15318  
event, the person or the event's organizer shall notify the 15319  
board of the person's intent to engage in optical dispensing at 15320  
the event. During the course of the charitable event, the 15321  
person's scope of practice is limited to the procedures that a 15322  
dispensing optician licensed under this chapter is authorized to 15323  
perform unless the person's scope of practice in the other state 15324  
is more restrictive than in this state. If the latter is the 15325  
case, the person's scope of practice is limited to the 15326  
procedures that a dispensing optician in the other state may 15327  
perform. 15328

The state vision professionals board shall not require a 15329  
person who holds a license in another state to obtain a license 15330  
in accordance with section 9.79 of the Revised Code to practice 15331  
optometry as a volunteer in the manner described under this 15332  
section. 15333

**Sec. 4727.03.** (A) As used in this section, "experience and 15334  
fitness in the capacity involved" means that the applicant for a 15335  
pawnbroker's license demonstrates sufficient financial 15336  
responsibility, reputation, and experience in the pawnbroker 15337  
business, or in a related business, to act as a pawnbroker in 15338  
compliance with this chapter. "Experience and fitness in the 15339  
capacity involved" shall be determined by: 15340

(1) Prior or current ownership or management of, or 15341  
employment in, a pawnshop; 15342

(2) Demonstration to the satisfaction of the 15343  
superintendent of financial institutions of a thorough working 15344  
knowledge of all pawnbroker laws and rules as they relate to the 15345  
actual operation of a pawnshop. 15346

A demonstration shall include a demonstration of an ability to properly complete forms, knowledge of how to properly calculate interest and storage charges, and knowledge of legal notice and forfeiture procedures. The final determination of whether an applicant's demonstration is adequate rests with the superintendent.

(3) A submission by the applicant and any stockholders, owners, managers, directors, or officers of the pawnshop, and employees of the applicant to a police record check; and

(4) Liquid assets in a minimum amount of one hundred twenty-five thousand dollars at the time of applying for initial licensure and demonstration of the ability to maintain the liquid assets at a minimum amount of seventy-five thousand dollars for the duration of holding a valid pawnbroker's license. If an applicant holds a pawnbroker's license at the time of application or is applying for more than one license, this requirement shall be met separately for each license.

~~(B) The (1) Except as provided in division (B) (2) of this section, the~~ superintendent may grant a license to act as a pawnbroker to any person of good character and having experience and fitness in the capacity involved to engage in the business of pawnbroking upon the payment to the superintendent of a license fee determined by the superintendent pursuant to section 1321.20 of the Revised Code. A license is not transferable or assignable.

(2) The superintendent shall grant a license to act as a pawnbroker in accordance with section 9.79 of the Revised Code to a person if either of the following applies:

(a) The person holds a license in another state.



(b) The person has satisfactory work experience, a 15376  
government certification, or a private certification as 15377  
described in that section as a pawnbroker in a state that does 15378  
not issue that license. 15379

(C) The superintendent may consider an application 15380  
withdrawn and may retain the investigation fee required under 15381  
division (D) of this section if both of the following are true: 15382

(1) An application for a license does not contain all of 15383  
the information required under division (B) of this section. 15384

(2) The information is not submitted to the superintendent 15385  
within ninety days after the superintendent requests the 15386  
information from the applicant in writing. 15387

(D) The superintendent shall require an applicant for a 15388  
pawnbroker's license to pay to the superintendent a 15389  
nonrefundable initial investigation fee of two hundred dollars, 15390  
which is for the exclusive use of the state. 15391

(E) (1) Except as otherwise provided in division (E) (2) of 15392  
this section, a pawnbroker's license issued by the 15393  
superintendent expires on the thirtieth day of June next 15394  
following the date of its issuance, or on a different date set 15395  
by the superintendent pursuant to section 1181.23 of the Revised 15396  
Code, and may be renewed annually in accordance with the 15397  
standard renewal procedure set forth in Chapter 4745. of the 15398  
Revised Code. Fifty per cent of the annual license fee shall be 15399  
for the use of the state, and fifty per cent shall be paid by 15400  
the state to the municipal corporation, or if outside the limits 15401  
of any municipal corporation, to the county, in which the office 15402  
of the licensee is located. All such fees payable to municipal 15403  
corporations or counties shall be paid annually. 15404

(2) A pawnbroker's license issued or renewed by the 15405  
superintendent on or after January 1, 2006, expires on the 15406  
thirtieth day of June in the even-numbered year next following 15407  
the date of its issuance or renewal, as applicable, and may be 15408  
renewed biennially by the thirtieth day of June in accordance 15409  
with the standard renewal procedure set forth in Chapter 4745. 15410  
of the Revised Code. Fifty per cent of the biennial license fee 15411  
shall be for the use of the state, and fifty per cent shall be 15412  
paid by the state to the municipal corporation, or if outside 15413  
the limits of any municipal corporation, to the county, in which 15414  
the office of the licensee is located. All such fees payable to 15415  
municipal corporations or counties shall be paid biennially. If 15416  
deemed necessary for participation, the superintendent may reset 15417  
the renewal date and require annual registration pursuant to 15418  
section 1181.23 of the Revised Code. 15419

(F) The fee for renewal of a license shall be equivalent 15420  
to the fee for an initial license established by the 15421  
superintendent pursuant to section 1321.20 of the Revised Code. 15422  
Any licensee who wishes to renew the pawnbroker's license but 15423  
who fails to do so on or before the date the license expires 15424  
shall reapply for licensure in the same manner and pursuant to 15425  
the same requirements as for initial licensure, unless the 15426  
licensee pays to the superintendent on or before the thirty- 15427  
first day of August of the year the license expires, a late 15428  
renewal penalty of one hundred dollars in addition to the 15429  
regular renewal fee. Any licensee who fails to renew the license 15430  
on or before the date the license expires is prohibited from 15431  
acting as a pawnbroker until the license is renewed or a new 15432  
license is issued under this section. Any licensee who renews a 15433  
license between the first day of July and the thirty-first day 15434  
of August of the year the license expires is not relieved from 15435

complying with this division. The superintendent may refuse to 15436  
issue to or renew the license of any licensee who violates this 15437  
division. 15438

(G) No license shall be granted to any person not a 15439  
resident of or the principal office of which is not located in 15440  
the municipal corporation or county designated in such license 15441  
unless that applicant, in writing and in due form approved by 15442  
and filed with the superintendent, first appoints an agent, a 15443  
resident of the state, and city or county where the office is to 15444  
be located, upon whom all judicial and other process, or legal 15445  
notice, directed to the applicant may be served. In case of the 15446  
death, removal from the state, or any legal disability or any 15447  
disqualification of any such agent, service of such process or 15448  
notice may be made upon the superintendent. 15449

The superintendent may, upon notice to the licensee and 15450  
reasonable opportunity to be heard, suspend or revoke any 15451  
license or assess a penalty against the licensee if the 15452  
licensee, or the licensee's officers, agents, or employees, has 15453  
violated this chapter. Any penalty shall be appropriate to the 15454  
violation but in no case shall the penalty be less than two 15455  
hundred nor more than two thousand dollars. Whenever, for any 15456  
cause, a license is suspended or revoked, the superintendent 15457  
shall not issue another license to the licensee nor to the legal 15458  
spouse of the licensee, nor to any business entity of which the 15459  
licensee is an officer or member or partner, nor to any person 15460  
employed by the licensee, until the expiration of at least two 15461  
years from the date of revocation or suspension of the license. 15462  
The superintendent shall deposit all penalties allocated 15463  
pursuant to this section into the state treasury to the credit 15464  
of the consumer finance fund. 15465

Any proceedings for the revocation or suspension of a 15466  
license or to assess a penalty against a licensee are subject to 15467  
Chapter 119. of the Revised Code. 15468

(H) If a licensee surrenders or chooses not to renew the 15469  
pawnbroker's license, the licensee shall notify the 15470  
superintendent thirty days prior to the date on which the 15471  
licensee intends to close the licensee's business as a 15472  
pawnbroker. Prior to the date, the licensee shall do either of 15473  
the following with respect to all active loans: 15474

(1) Dispose of an active loan by selling the loan to 15475  
another person holding a valid pawnbroker's license issued under 15476  
this section; 15477

(2) Reduce the rate of interest on pledged articles held 15478  
as security for a loan to eight per cent per annum or less 15479  
effective on the date that the pawnbroker's license is no longer 15480  
valid. 15481

**Sec. 4728.03.** (A) As used in this section, "experience and 15482  
fitness in the capacity involved" means that the applicant for a 15483  
precious metals dealer's license has had sufficient financial 15484  
responsibility, reputation, and experience in the business of 15485  
precious metals dealer, or a related business, to act as a 15486  
precious metals dealer in compliance with this chapter. 15487

(B) (1) The Except as provided in division (B) (3) of this 15488  
section, the division of financial institutions in the 15489  
department of commerce may grant a precious metals dealer's 15490  
license to any person of good character, having experience and 15491  
fitness in the capacity involved, who demonstrates a net worth 15492  
of at least ten thousand dollars and the ability to maintain 15493  
that net worth during the licensure period. The superintendent 15494

of financial institutions shall compute the applicant's net 15495  
worth according to generally accepted accounting principles. 15496

(2) In place of the demonstration of net worth required by 15497  
division (B)(1) of this section, an applicant may obtain a 15498  
surety bond issued by a surety company authorized to do business 15499  
in this state if all of the following conditions are met: 15500

(a) A copy of the surety bond is filed with the division; 15501

(b) The bond is in favor of any person, and of the state 15502  
for the benefit of any person, injured by any violation of this 15503  
chapter; 15504

(c) The bond is in the amount of not less than ten 15505  
thousand dollars. 15506

(3) The division shall grant a precious metals dealer's 15507  
license in accordance with section 9.79 of the Revised Code to 15508  
an applicant if either of the following applies: 15509

(a) The applicant holds a license in another state. 15510

(b) The applicant has satisfactory work experience, a 15511  
government certification, or a private certification as 15512  
described in that section as a precious metals dealer in a state 15513  
that does not issue that license. 15514

(4) Before granting a license under this division, the 15515  
division shall determine that the applicant meets the 15516  
requirements of division (B)(1) ~~or~~, (2), or (3) of this section. 15517

(C) ~~The~~ Except for a license issued under division (B)(3) 15518  
of this section, the division shall require an applicant for a 15519  
precious metals dealer's license to pay to the division a 15520  
nonrefundable, initial investigation fee of two hundred dollars 15521  
which shall be for the exclusive use of the state. The license 15522

fee for a precious metals dealer's license and the renewal fee 15523  
shall be determined by the superintendent, provided that the fee 15524  
may not exceed three hundred dollars. A license issued by the 15525  
division shall expire on the last day of June next following the 15526  
date of its issuance or annually on a different date set by the 15527  
superintendent pursuant to section 1181.23 of the Revised Code. 15528  
Fifty per cent of license fees shall be for the use of the 15529  
state, and fifty per cent shall be paid to the municipal 15530  
corporation, or if outside the limits of any municipal 15531  
corporation, to the county in which the office of the licensee 15532  
is located. All portions of license fees payable to municipal 15533  
corporations or counties shall be paid as they accrue, by the 15534  
treasurer of state, on vouchers issued by the director of budget 15535  
and management. 15536

(D) Every such license shall be renewed annually by the 15537  
last day of June, or annually on a different date set by the 15538  
superintendent pursuant to section 1181.23 of the Revised Code, 15539  
according to the standard renewal procedure of Chapter 4745. of 15540  
the Revised Code. No license shall be granted to any person not 15541  
a resident of or the principal office of which is not located in 15542  
the municipal corporation or county designated in such license, 15543  
unless, and until such applicant shall, in writing and in due 15544  
form, to be first approved by and filed with the division, 15545  
appoint an agent, a resident of the state, and city or county 15546  
where the office is to be located, upon whom all judicial and 15547  
other process, or legal notice, directed to the applicant may be 15548  
served; and in case of the death, removal from the state, or any 15549  
legal disability or any disqualification of any agent, service 15550  
of process or notice may be made upon the superintendent. 15551

(E) The division may, pursuant to Chapter 119. of the 15552  
Revised Code, upon notice to the licensee and after giving the 15553

licensee reasonable opportunity to be heard, revoke or suspend 15554  
any license, if the licensee or the licensee's officers, agents, 15555  
or employees violate this chapter. Whenever, for any cause, the 15556  
license is revoked or suspended, the division shall not issue 15557  
another license to the licensee nor to the husband or wife of 15558  
the licensee, nor to any copartnership or corporation of which 15559  
the licensee is an officer, nor to any person employed by the 15560  
licensee, until the expiration of at least one year from the 15561  
date of revocation of the license. 15562

(F) In conducting an investigation to determine whether an 15563  
applicant satisfies the requirements for licensure under this 15564  
section, the superintendent may request that the superintendent 15565  
of the bureau of criminal identification and investigation 15566  
investigate and determine whether the bureau has procured any 15567  
information pursuant to section 109.57 of the Revised Code 15568  
pertaining to the applicant. 15569

If the superintendent of financial institutions determines 15570  
that conducting an investigation to determine whether an 15571  
applicant satisfies the requirements for licensure under this 15572  
section will require procuring information outside the state, 15573  
then, in addition to the fee established under division (C) of 15574  
this section, the superintendent may require the applicant to 15575  
pay any of the actual expenses incurred by the division to 15576  
conduct such an investigation, provided that the superintendent 15577  
shall assess the applicant a total no greater than one thousand 15578  
dollars for such expenses. The superintendent may require the 15579  
applicant to pay in advance of the investigation, sufficient 15580  
funds to cover the estimated cost of the actual expenses. If the 15581  
superintendent requires the applicant to pay investigation 15582  
expenses, the superintendent shall provide to the applicant an 15583  
itemized statement of the actual expenses incurred by the 15584

division to conduct the investigation. 15585

(G) (1) Except as otherwise provided in division (G) (2) of 15586  
this section a precious metals dealer licensed under this 15587  
section shall maintain a net worth of at least ten thousand 15588  
dollars, computed as required under division (B) (1) of this 15589  
section, for as long as the licensee holds a valid precious 15590  
metals dealer's license issued pursuant to this section. 15591

(2) A licensee who obtains a surety bond under division 15592  
(B) (2) of this section is exempt from the requirement of 15593  
division (G) (1) of this section, but shall maintain the bond for 15594  
at least two years after the date on which the licensee ceases 15595  
to conduct business in this state. 15596

**Sec. 4729.09.** The state board of pharmacy ~~may~~ shall issue 15597  
a license an individual as a pharmacist without examination if 15598  
the individual: 15599

~~(A) Holds a license in good standing to practice pharmacy~~ 15600  
~~under the laws of~~ in accordance with section 9.79 of the Revised 15601  
Code to an applicant if either of the following applies: 15602

(A) The applicant holds a license in another state, ~~has~~ 15603  
~~successfully completed an examination for licensure in the other~~ 15604  
~~state, and in the opinion of the board, the examination was at~~ 15605  
~~least as thorough as that required by the board at the time the~~ 15606  
~~individual took the examination;.~~ 15607

~~(B) Is of good moral character, as defined in rules~~ 15608  
~~adopted by the board under section 4729.26 of the Revised Code,~~ 15609

~~(C) Has filed with the licensing body of the other state~~ 15610  
~~at least the credentials or the equivalent that were required by~~ 15611  
~~this state at the time the other state licensed the individual~~ 15612  
~~as a pharmacist.~~ 15613



~~The board shall not issue a license to practice pharmacy~~ 15614  
~~to an individual licensed in another state if the state in which~~ 15615  
~~the individual is licensed does not reciprocate by granting~~ 15616  
~~licenses to practice pharmacy to individuals holding valid~~ 15617  
~~licenses received through examination by the state board of~~ 15618  
~~pharmacy~~ The applicant has satisfactory work experience, a 15619  
government certification, or a private certification as 15620  
described in that section as a pharmacist in a state that does 15621  
not issue that license. 15622

**Sec. 4729.11.** The state board of pharmacy shall establish 15623  
a pharmacy internship program for the purpose of providing the 15624  
practical experience necessary to practice as a pharmacist. Any 15625  
individual who desires to become a pharmacy intern shall apply 15626  
for licensure to the board. An application filed under this 15627  
section may not be withdrawn without the approval of the board. 15628

Each applicant shall be issued a license as a pharmacy 15629  
intern if the board determines that the applicant is actively 15630  
pursuing an educational program in preparation for licensure as 15631  
a pharmacist and meets the other requirements as determined by 15632  
the board. The board shall issue a pharmacy intern license in 15633  
accordance with section 9.79 of the Revised Code to an applicant 15634  
who holds a license in another state or has satisfactory work 15635  
experience, a government certification, or a private 15636  
certification as described in that section as a pharmacy intern 15637  
in a state that does not issue that license. A license shall be 15638  
valid until the next renewal date and shall be renewed only if 15639  
the intern is meeting the requirements and rules of the board. 15640

**Sec. 4729.15.** (A) Except as provided in division (B) of 15641  
this section, the state board of pharmacy shall charge the 15642  
following fees: 15643

(1) For applying for a license to practice as a pharmacist, an amount adequate to cover all expenses of the board related to examination except the expenses of procuring and grading the examination, which fee shall not be returned if the applicant fails to pass the examination;

(2) For the examination of an applicant for licensure as a pharmacist, an amount adequate to cover any expenses to the board of procuring and grading the examination or any part thereof, which fee shall not be returned if the applicant fails to pass the examination;

(3) For issuing a license to an individual who passes the examination described in section 4729.07 of the Revised Code, an amount that is adequate to cover the expense;

(4) For a pharmacist applying for renewal of a license before the expiration date, two hundred fifty dollars, which fee shall not be returned if the applicant fails to qualify for renewal;

(5) For a pharmacist applying for renewal of a license that has been expired for less than three years, the renewal fee identified in division (A) (4) of this section plus a penalty of thirty-seven dollars and fifty cents, which fee shall not be returned if the applicant fails to qualify for renewal;

(6) For a pharmacist applying for renewal of a license that has been expired for more than three years, three hundred thirty-seven dollars and fifty cents, which fee shall not be returned if the applicant fails to qualify for renewal;

(7) For a pharmacist applying for a license on presentation of a pharmacist license granted by another state, ~~three hundred thirty-seven dollars and fifty cents~~ the fee

specified in section 9.79 of the Revised Code, which fee shall 15673  
not be returned if the applicant fails to qualify for licensure. 15674

(8) For a license to practice as a pharmacy intern, forty- 15675  
five dollars, which fee shall not be returned if the applicant 15676  
fails to qualify for licensure; 15677

(9) For the renewal of a pharmacy intern license, forty- 15678  
five dollars, which fee shall not be returned if the applicant 15679  
fails to qualify for renewal; 15680

(10) For certifying licensure and grades for reciprocal 15681  
licensure, thirty-five dollars; 15682

(11) For making copies of any application, affidavit, or 15683  
other document filed in the state board of pharmacy office, an 15684  
amount fixed by the board that is adequate to cover the expense, 15685  
except that for copies required by federal or state agencies or 15686  
law enforcement officers for official purposes, no charge need 15687  
be made; 15688

(12) For certifying and affixing the seal of the board, an 15689  
amount fixed by the board that is adequate to cover the expense, 15690  
except that for certifying and affixing the seal of the board to 15691  
a document required by federal or state agencies or law 15692  
enforcement officers for official purposes, no charge need be 15693  
made; 15694

(13) For each copy of a book or pamphlet that includes 15695  
laws administered by the state board of pharmacy, rules adopted 15696  
by the board, and chapters of the Revised Code with which the 15697  
board is required to comply, an amount fixed by the board that 15698  
is adequate to cover the expense of publishing and furnishing 15699  
the book or pamphlet. 15700

(B) (1) Subject to division (B) (2) of this section, the 15701

fees described in divisions (A) (1) to (10) of this section do 15702  
not apply to an individual who is on active duty in the armed 15703  
forces of the United States, as defined in section 5903.01 of 15704  
the Revised Code, to the spouse of an individual who is on 15705  
active duty in the armed forces of the United States, or to an 15706  
individual who served in the armed forces of the United States 15707  
and presents documentation that the individual has been 15708  
discharged under honorable conditions from the armed forces or 15709  
has been transferred to the reserve with evidence of 15710  
satisfactory service. 15711

(2) The state board of pharmacy may establish limits with 15712  
respect to the individuals for whom fees are not applicable 15713  
under division (B) (1) of this section. 15714

**Sec. 4729.901.** (A) An applicant for registration under 15715  
section 4729.90 of the Revised Code shall file with the state 15716  
board of pharmacy an application in the form and manner 15717  
prescribed in rules adopted under section 4729.94 of the Revised 15718  
Code. The application shall be accompanied by an application fee 15719  
of fifty dollars, which shall not be returned if the applicant 15720  
fails to qualify for registration. 15721

(B) If the board is satisfied that the applicant meets the 15722  
requirements of section 4729.90 of the Revised Code and any 15723  
additional requirements established by the board and determines 15724  
that the results of a criminal records check do not make the 15725  
applicant ineligible, the board shall register the applicant as 15726  
a registered pharmacy technician or certified pharmacy 15727  
technician, as applicable. 15728

(C) The board shall register as a registered pharmacy 15729  
technician or certified pharmacy technician, as applicable, in 15730  
accordance with section 9.79 of the Revised Code an applicant if 15731

either of the following applies:

(1) The applicant holds a license or is registered in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a pharmacy technician in a state that does not issue that license or registration.

(D) Registration under division (B) or (C) of this section is valid for the period specified by the board in rules adopted under section 4729.94 of the Revised Code. The period shall not exceed twenty-four months unless the board extends the period in the rules to adjust license renewal schedules.

**Sec. 4729.921.** An applicant for registration as a pharmacy technician trainee shall file with the state board of pharmacy an application in the form and manner prescribed in rules adopted under section 4729.94 of the Revised Code. The application shall be accompanied by an application fee of twenty-five dollars, which shall not be returned if the applicant fails to qualify for registration.

If the board is satisfied that an applicant meets the requirements of section 4729.92 of the Revised Code and any additional requirements established by the board and determines that the results of a criminal records check do not make the applicant ineligible, the board shall register the applicant as a pharmacy technician trainee.

The board shall register as a pharmacy technician trainee in accordance with section 9.79 of the Revised Code an applicant who either holds a license or is registered in another state or has satisfactory work experience, a government certification, or

a private certification as described in that section as a 15761  
pharmacy technician trainee in a state that does not issue that 15762  
license or registration. 15763

Registration is valid for one year from the date of 15764  
registration. Registration is not renewable, but an individual 15765  
may reapply for registration if the individual's previous 15766  
registration has lapsed for more than five years or the board 15767  
grants its approval. 15768

**Sec. 4730.10.** (A) ~~An~~ Except as provided in division (C) of 15769  
this section, an individual seeking a license to practice as a 15770  
physician assistant shall file with the state medical board a 15771  
written application on a form prescribed and supplied by the 15772  
board. The application shall include all of the following: 15773

(1) The applicant's name, residential address, business 15774  
address, if any, and social security number; 15775

(2) Satisfactory proof that the applicant meets the age 15776  
and moral character requirements specified in divisions (A) (1) 15777  
and (2) of section 4730.11 of the Revised Code; 15778

(3) Satisfactory proof that the applicant meets either the 15779  
educational requirements specified in division (B) (1) or (2) of 15780  
section 4730.11 of the Revised Code or the educational or other 15781  
applicable requirements specified in division (C) (1), (2), or 15782  
(3) of that section; 15783

(4) Any other information the board requires. 15784

(B) At the time of making application for a license to 15785  
practice, the applicant shall pay the board a fee of four 15786  
hundred dollars, no part of which shall be returned. The fees 15787  
shall be deposited in accordance with section 4731.24 of the 15788  
Revised Code. 15789

(C) The board shall issue a license to practice as a 15790  
physician assistant in accordance with section 9.79 of the 15791  
Revised Code to an applicant if either of the following applies: 15792

(1) The applicant holds a license in another state. 15793

(2) The applicant has satisfactory work experience, a 15794  
government certification, or a private certification as 15795  
described in that section as a physician assistant in a state 15796  
that does not issue that license. 15797

**Sec. 4731.151.** (A) Naprapaths who received a certificate 15798  
to practice from the state medical board prior to March 2, 1992, 15799  
may continue to practice naprapathy, as defined in rules adopted 15800  
by the board. Such naprapaths shall practice in accordance with 15801  
rules adopted by the board. 15802

(B) (1) As used in this division: 15803

(a) "Mechanotherapy" means all of the following: 15804

(i) Examining patients by verbal inquiry; 15805

(ii) Examination of the musculoskeletal system by hand; 15806

(iii) Visual inspection and observation; 15807

(iv) Diagnosing a patient's condition only as to whether 15808  
the patient has a disorder of the musculoskeletal system; 15809

(v) In the treatment of patients, employing the techniques 15810  
of advised or supervised exercise; electrical neuromuscular 15811  
stimulation; massage or manipulation; or air, water, heat, cold, 15812  
sound, or infrared ray therapy only to those disorders of the 15813  
musculoskeletal system that are amenable to treatment by such 15814  
techniques and that are identifiable by examination performed in 15815  
accordance with division (B) (1) (a) (i) of this section and 15816

diagnosable in accordance with division (B) (1) (a) (ii) of this 15817  
section. 15818

(b) "Educational requirements" means the completion of a 15819  
course of study appropriate for certification to practice 15820  
mechanotherapy on or before November 3, 1985, as determined by 15821  
rules adopted under this chapter. 15822

(2) Mechanotherapists who received a certificate to 15823  
practice from the board prior to March 2, 1992, may continue to 15824  
practice mechanotherapy, as defined in rules adopted by the 15825  
board. Such mechanotherapists shall practice in accordance with 15826  
rules adopted by the board. 15827

A person authorized by this division to practice as a 15828  
mechanotherapist may examine, diagnose, and assume 15829  
responsibility for the care of patients with due regard for 15830  
first aid and the hygienic and nutritional care of the patients. 15831  
Roentgen rays shall be used by a mechanotherapist only for 15832  
diagnostic purposes. 15833

(3) A person who holds a certificate to practice 15834  
mechanotherapy and completed educational requirements in 15835  
mechanotherapy on or before November 3, 1985, is entitled to use 15836  
the title "doctor of mechanotherapy" and is a "physician" who 15837  
performs "medical services" for the purposes of Chapters 4121. 15838  
and 4123. of the Revised Code and the medicaid program, and 15839  
shall receive payment or reimbursement as provided under those 15840  
chapters and that program. 15841

(C) Section 9.79 of the Revised Code does not apply to a 15842  
certificate to practice naprapathy or mechanotherapy issued 15843  
under this section. 15844

**Sec. 4731.19.** (A) ~~A~~ Except as provided in division (E) of 15845



this section, a person seeking a license to practice a limited  
branch of medicine shall file with the state medical board an  
application in a manner prescribed by the board. The application  
shall include or be accompanied by all of the following:

(1) Evidence that the applicant is at least eighteen years  
of age and of good moral character;

(2) Evidence that the applicant has attained high school  
graduation or its equivalent;

(3) Evidence that the applicant holds one of the  
following:

(a) A diploma or certificate from a school, college, or  
institution in good standing as determined by the board, showing  
the completion of the required courses of instruction;

(b) A diploma or certificate from a school, college, or  
institution in another state or jurisdiction showing completion  
of a course of instruction that meets course requirements  
determined by the board through rules adopted under section  
4731.05 of the Revised Code;

~~(c) During the five-year period immediately preceding the  
date of application, a current license, registration, or  
certificate in good standing in another state for massage  
therapy or cosmetic therapy.~~

(4) Evidence that the applicant has successfully passed an  
examination, prescribed in rules described in section 4731.16 of  
the Revised Code, to determine competency to practice the  
applicable limited branch of medicine;

(5) An attestation that the information submitted under  
this section is accurate and truthful and that the applicant

consents to release of information; 15874

(6) Any other information the board requires. 15875

(B) An applicant for a license to practice a limited 15876  
branch of medicine shall comply with the requirements of section 15877  
4731.171 of the Revised Code. 15878

(C) At the time of making application for a license to 15879  
practice a limited branch of medicine, the applicant shall pay 15880  
to the board a fee of one hundred fifty dollars, no part of 15881  
which shall be returned. No application shall be considered 15882  
filed until the board receives the appropriate fee. 15883

(D) The board may investigate the application materials 15884  
received under this section and contact any agency or 15885  
organization for recommendations or other information about the 15886  
applicant. 15887

(E) The board shall issue a certificate to practice a 15888  
limited branch of medicine in accordance with section 9.79 of 15889  
the Revised Code to an applicant if either of the following 15890  
applies: 15891

(1) The applicant holds a license or certificate in 15892  
another state. 15893

(2) The applicant has satisfactory work experience, a 15894  
government certification, or a private certification as 15895  
described in that section as a massage therapist or cosmetic 15896  
therapist in a state that does not issue that license or 15897  
certificate. 15898

**Sec. 4731.291.** (A) An Except as provided in division (E) 15899  
of this section, an individual seeking to pursue an internship, 15900  
residency, clinical fellowship program, or elective clinical 15901

rotation in this state, who does not hold a license to practice 15902  
medicine and surgery or osteopathic medicine or surgery issued 15903  
under this chapter, shall apply to the state medical board for a 15904  
training certificate. The application shall be made on forms 15905  
that the board shall furnish and shall be accompanied by an 15906  
application fee of one hundred thirty dollars. 15907

An applicant for a training certificate shall furnish to 15908  
the board all of the following: 15909

(1) Evidence satisfactory to the board that the applicant 15910  
is at least eighteen years of age and is of good moral 15911  
character. 15912

(2) Evidence satisfactory to the board that the applicant 15913  
has been accepted or appointed to participate in this state in 15914  
one of the following: 15915

(a) An internship, residency, or clinical fellowship 15916  
program accredited by either the accreditation council for 15917  
graduate medical education of the American medical association 15918  
or the American osteopathic association; 15919

(b) A clinical fellowship program that is not accredited 15920  
as described in division (A) (2) (a) of this section, but is 15921  
conducted at an institution with a residency program that is 15922  
accredited as described in that division and is in a clinical 15923  
field the same as or related to the clinical field of the 15924  
fellowship program; 15925

(c) An elective clinical rotation that lasts not more than 15926  
one year and is offered to interns, residents, or clinical 15927  
fellows participating in programs that are located outside this 15928  
state and meet the requirements of division (A) (2) (a) or (b) of 15929  
this section. 15930

(3) Information identifying the beginning and ending dates 15931  
of the period for which the applicant has been accepted or 15932  
appointed to participate in the internship, residency, or 15933  
clinical fellowship program; 15934

(4) Any other information that the board requires. 15935

(B) ~~If~~ Except as provided in division (E) of this section, 15936  
if no grounds for denying a license or certificate under section 15937  
4731.22 of the Revised Code apply, and the applicant meets the 15938  
requirements of division (A) of this section, the board shall 15939  
issue a training certificate to the applicant. The board shall 15940  
not require an examination as a condition of receiving a 15941  
training certificate. 15942

A training certificate issued pursuant to this section 15943  
shall be valid only for three years, but may be renewed by the 15944  
board for one additional three-year period. To renew a training 15945  
certificate, the holder shall apply to the board on or before 15946  
the certificate's expiration date. 15947

The fee for renewal of a training certificate shall be one 15948  
hundred dollars. A late application may be submitted not more 15949  
than thirty days after the certificate's expiration date. In 15950  
such a case, the holder shall include with the application a 15951  
one-hundred-fifty-dollar reinstatement fee. 15952

(C) The holder of a valid training certificate shall be 15953  
entitled to perform such acts as may be prescribed by or 15954  
incidental to the holder's internship, residency, or clinical 15955  
fellowship program, but the holder shall not be entitled 15956  
otherwise to engage in the practice of medicine and surgery or 15957  
osteopathic medicine and surgery in this state. The holder shall 15958  
limit activities under the certificate to the programs of the 15959

hospitals or facilities for which the training certificate is 15960  
issued. The holder shall train only under the supervision of the 15961  
physicians responsible for supervision as part of the 15962  
internship, residency, or clinical fellowship program. 15963

A training certificate may be revoked by the board upon 15964  
proof, satisfactory to the board, that the holder thereof has 15965  
engaged in practice in this state outside the scope of the 15966  
internship, residency, or clinical fellowship program for which 15967  
the training certificate has been issued, or upon proof, 15968  
satisfactory to the board, that the holder thereof has engaged 15969  
in unethical conduct or that there are grounds for action 15970  
against the holder under section 4731.22 of the Revised Code. 15971

(D) The board may adopt rules as the board finds necessary 15972  
to effect the purpose of this section. 15973

(E) The board shall issue a training certificate to 15974  
practice medicine and surgery or osteopathic medicine and 15975  
surgery in accordance with section 9.79 of the Revised Code to 15976  
an applicant if either of the following applies: 15977

(1) The applicant holds a license or certificate in 15978  
another state. 15979

(2) The applicant has satisfactory work experience, a 15980  
government certification, or a private certification as 15981  
described in that section practicing medicine and surgery or 15982  
osteopathic medicine and surgery in a state that does not issue 15983  
that certificate. 15984

**Sec. 4731.293.** (A) The state medical board may issue, 15985  
without examination, a clinical research faculty certificate to 15986  
practice medicine and surgery, osteopathic medicine and surgery, 15987  
or podiatric medicine and surgery to any person who applies for 15988

the certificate and provides to the board all of the following: 15989

(1) Evidence satisfactory to the board of all of the 15990  
following: 15991

(a) That the applicant holds a current, unrestricted 15992  
license to practice medicine and surgery, osteopathic medicine 15993  
and surgery, or podiatric medicine and surgery issued by another 15994  
state or country; 15995

(b) That the applicant has been appointed to serve in this 15996  
state on the academic staff of a medical school accredited by 15997  
the liaison committee on medical education, an osteopathic 15998  
medical school accredited by the American osteopathic 15999  
association, or a college of podiatric medicine and surgery in 16000  
good standing with the board; 16001

(c) That the applicant is an international medical 16002  
graduate who holds a medical degree from an educational 16003  
institution listed in the international medical education 16004  
directory. 16005

(2) An affidavit and supporting documentation from the 16006  
dean of the school or college, or the department director or 16007  
chairperson of a teaching hospital affiliated with the school or 16008  
college, that the applicant is qualified to perform teaching and 16009  
research activities and will be permitted to work only under the 16010  
authority of the department director or chairperson of a 16011  
teaching hospital affiliated with the school or college where 16012  
the applicant's teaching and research activities will occur; 16013

(3) A description from the school, college, or teaching 16014  
hospital of the scope of practice in which the applicant will be 16015  
involved, including the types of teaching, research, and 16016  
procedures in which the applicant will be engaged; 16017

(4) A description from the school, college, or teaching hospital of the type and amount of patient contact that will occur in connection with the applicant's teaching and research activities.

(B) An applicant for an initial clinical research faculty certificate shall pay a fee of three hundred seventy-five dollars.

(C) The holder of a clinical research faculty certificate may do one of the following, as applicable:

(1) Practice medicine and surgery or osteopathic medicine and surgery only as is incidental to the certificate holder's teaching or research duties at the medical school or a teaching hospital affiliated with the school;

(2) Practice podiatric medicine and surgery only as is incidental to the certificate holder's teaching or research duties at the college of podiatric medicine and surgery or a teaching hospital affiliated with the college.

(D) The board may revoke a certificate on receiving proof satisfactory to the board that the certificate holder has engaged in practice in this state outside the scope of the certificate or that there are grounds for action against the certificate holder under section 4731.22 of the Revised Code.

(E) A clinical research faculty certificate is valid for three years, except that the certificate ceases to be valid if the holder's academic staff appointment described in division (A) (1) (b) of this section is no longer valid or the certificate is revoked pursuant to division (D) of this section.

(F) (1) The board shall provide a renewal notice to the certificate holder at least one month before the certificate

expires. Failure of a certificate holder to receive a notice of 16047  
renewal from the board shall not excuse the certificate holder 16048  
from the requirements contained in this section. The notice 16049  
shall inform the certificate holder of the renewal procedure. 16050  
The notice also shall inform the certificate holder of the 16051  
reporting requirement established by division (H) of section 16052  
3701.79 of the Revised Code. At the discretion of the board, the 16053  
information may be included on the application for renewal or on 16054  
an accompanying page. 16055

(2) A clinical research faculty certificate may be renewed 16056  
for an additional three-year period. There is no limit on the 16057  
number of times a certificate may be renewed. A person seeking 16058  
renewal of a certificate shall apply to the board. The board 16059  
shall provide the application for renewal in a form determined 16060  
by the board. 16061

(3) An applicant is eligible for renewal if the applicant 16062  
does all of the following: 16063

(a) Pays a renewal fee of three hundred seventy-five 16064  
dollars; 16065

(b) Reports any criminal offense to which the applicant 16066  
has pleaded guilty, of which the applicant has been found 16067  
guilty, or for which the applicant has been found eligible for 16068  
intervention in lieu of conviction, since last filing an 16069  
application for a clinical research faculty certificate; 16070

(c) Provides to the board an affidavit and supporting 16071  
documentation from the dean of the school or college, or the 16072  
department director or chairperson of a teaching hospital 16073  
affiliated with the school or college, that the applicant is in 16074  
compliance with the applicant's current clinical research 16075



faculty certificate; 16076

(d) Provides evidence satisfactory to the board of all of 16077  
the following: 16078

(i) That the applicant continues to maintain a current, 16079  
unrestricted license to practice medicine and surgery, 16080  
osteopathic medicine and surgery, or podiatric medicine and 16081  
surgery issued by another state or country; 16082

(ii) That the applicant's initial appointment to serve in 16083  
this state on the academic staff of a school or college is still 16084  
valid or has been renewed; 16085

(iii) That the applicant has completed seventy-five hours 16086  
of continuing medical education that meet the requirements set 16087  
forth in section 4731.282 of the Revised Code. 16088

(4) Regardless of whether the certificate has expired, a 16089  
person who was granted a visiting medical faculty certificate 16090  
under this section as it existed immediately prior to June 6, 16091  
2012, may apply for a clinical research faculty certificate as a 16092  
renewal. The board may issue the clinical research faculty 16093  
certificate if the applicant meets the requirements of division 16094  
(F) (3) of this section. The board may not issue a clinical 16095  
research faculty certificate if the visiting medical faculty 16096  
certificate was revoked. 16097

(G) A person holding a clinical research faculty 16098  
certificate issued under this section shall not be required to 16099  
obtain a certificate under section 9.79 of the Revised Code. 16100

(H) The board may adopt any rules it considers necessary 16101  
to implement this section. The rules shall be adopted in 16102  
accordance with Chapter 119. of the Revised Code. 16103

**Sec. 4731.294.** (A) The state medical board may issue, 16104  
without examination, a special activity certificate to any\_ 16105  
person seeking to practice medicine and surgery or osteopathic 16106  
medicine and surgery in conjunction with a special activity, 16107  
program, or event taking place in this state. 16108

(B) An applicant for a special activity certificate shall 16109  
submit evidence satisfactory to the board of all of the 16110  
following: 16111

(1) The applicant holds a current, unrestricted license to 16112  
practice medicine and surgery or osteopathic medicine and 16113  
surgery issued by another state or country and that within the 16114  
two-year period immediately preceding application, the applicant 16115  
has done one of the following: 16116

(a) Actively practiced medicine and surgery or osteopathic 16117  
medicine and surgery in the United States; 16118

(b) Participated in a graduate medical education program 16119  
accredited by either the accreditation council for graduate 16120  
medical education of the American medical association or the 16121  
American osteopathic association; 16122

(c) Successfully passed the federation licensing 16123  
examination established by the federation of state medical 16124  
boards, a special examination established by the federation of 16125  
state medical boards, or all parts of a standard medical 16126  
licensing examination established for purposes of determining 16127  
the competence of individuals to practice medicine and surgery 16128  
or osteopathic medicine and surgery in the United States. 16129

(2) The applicant meets the same educational requirements 16130  
that individuals must meet under sections 4731.09 and 4731.14 of 16131  
the Revised Code. 16132

(3) The applicant's practice in conjunction with the 16133  
special activity, program, or event will be in the public 16134  
interest. 16135

(C) The applicant shall pay a fee of one hundred twenty- 16136  
five dollars. 16137

(D) The holder of a special activity certificate may 16138  
practice medicine and surgery or osteopathic medicine and 16139  
surgery only in conjunction with the special activity, event, or 16140  
program for which the certificate is issued. The board may 16141  
revoke a certificate on receiving proof satisfactory to the 16142  
board that the holder of the certificate has engaged in practice 16143  
in this state outside the scope of the certificate or that there 16144  
are grounds for action against the certificate holder under 16145  
section 4731.22 of the Revised Code. 16146

(E) A special activity certificate is valid for the 16147  
shorter of thirty days or the duration of the special activity, 16148  
program, or event. The certificate may not be renewed. 16149

(F) The board shall not require a person holding a special 16150  
activity certificate issued under this section to obtain a 16151  
certificate under section 9.79 of the Revised Code. 16152

(G) The state medical board shall adopt rules in 16153  
accordance with Chapter 119. of the Revised Code that specify 16154  
how often an applicant may be granted a certificate under this 16155  
section. 16156

**Sec. 4731.295.** (A) (1) As used in this section: 16157

(a) "Free clinic" has the same meaning as in section 16158  
3701.071 of the Revised Code. 16159

(b) "Indigent and uninsured person" and "operation" have 16160

the same meanings as in section 2305.234 of the Revised Code. 16161

(2) For the purposes of this section, a person shall be 16162  
considered retired from practice if the person's license has 16163  
expired with the person's intention of ceasing to practice 16164  
medicine and surgery or osteopathic medicine and surgery for 16165  
remuneration. 16166

(B) The state medical board may issue, without 16167  
examination, a volunteer's certificate to a person who is 16168  
retired from practice so that the person may provide medical 16169  
services to indigent and uninsured persons at any location, 16170  
including a free clinic. The board shall deny issuance of a 16171  
volunteer's certificate to a person who is not qualified under 16172  
this section to hold a volunteer's certificate. 16173

(C) An application for a volunteer's certificate shall 16174  
include all of the following: 16175

(1) A copy of the applicant's degree of medicine or 16176  
osteopathic medicine. 16177

(2) One of the following, as applicable: 16178

(a) A copy of the applicant's most recent license 16179  
authorizing the practice of medicine and surgery or osteopathic 16180  
medicine and surgery issued by a jurisdiction in the United 16181  
States that licenses persons to practice medicine and surgery or 16182  
osteopathic medicine and surgery—. 16183

(b) A copy of the applicant's most recent license 16184  
equivalent to a license to practice medicine and surgery or 16185  
osteopathic medicine and surgery in one or more branches of the 16186  
United States armed services that the United States government 16187  
issued. 16188

- (3) Evidence of one of the following, as applicable: 16189
- (a) That the applicant has maintained for at least ten 16190  
years prior to retirement full licensure in good standing in any 16191  
jurisdiction in the United States that licenses persons to 16192  
practice medicine and surgery or osteopathic medicine and 16193  
surgery. 16194
- (b) That the applicant has practiced for at least ten 16195  
years prior to retirement in good standing as a doctor of 16196  
medicine and surgery or osteopathic medicine and surgery in one 16197  
or more of the branches of the United States armed services. 16198
- (4) An attestation that the applicant will not accept any 16199  
form of remuneration for any medical services rendered while in 16200  
possession of a volunteer's certificate. 16201
- (D) The holder of a volunteer's certificate may provide 16202  
medical services only to indigent and uninsured persons, but may 16203  
do so at any location, including a free clinic. The holder shall 16204  
not accept any form of remuneration for providing medical 16205  
services while in possession of the certificate. Except in a 16206  
medical emergency, the holder shall not perform any operation or 16207  
deliver babies. The board may revoke a volunteer's certificate 16208  
on receiving proof satisfactory to the board that the holder has 16209  
engaged in practice in this state outside the scope of the 16210  
certificate. 16211
- (E) (1) A volunteer's certificate shall be valid for a 16212  
period of three years, unless earlier revoked under division (D) 16213  
of this section or pursuant to section 4731.22 of the Revised 16214  
Code. A volunteer's certificate may be renewed upon the 16215  
application of the holder. The board shall maintain a register 16216  
of all persons who hold volunteer's certificates. The board 16217

shall not charge a fee for issuing or renewing a certificate 16218  
pursuant to this section. 16219

(2) To be eligible for renewal of a volunteer's 16220  
certificate the holder of the certificate shall certify to the 16221  
board completion of one hundred fifty hours of continuing 16222  
medical education that meets the requirements of section 16223  
4731.282 of the Revised Code regarding certification by private 16224  
associations and approval by the board. The board may not renew 16225  
a certificate if the holder has not complied with the continuing 16226  
medical education requirements. Any entity for which the holder 16227  
provides medical services may pay for or reimburse the holder 16228  
for any costs incurred in obtaining the required continuing 16229  
medical education credits. 16230

(3) The board shall issue a volunteer's certificate to 16231  
each person who qualifies under this section for the 16232  
certificate. The certificate shall state that the certificate 16233  
holder is authorized to provide medical services pursuant to the 16234  
laws of this state. The holder shall display the certificate 16235  
prominently at the location where the holder primarily 16236  
practices. 16237

(4) The holder of a volunteer's certificate issued 16238  
pursuant to this section is subject to the immunity provisions 16239  
regarding the provision of services to indigent and uninsured 16240  
persons in section 2305.234 of the Revised Code. 16241

(F) The holder of a volunteer's certificate issued under 16242  
this section is not required to obtain a license under section 16243  
9.79 of the Revised Code. 16244

(G) The board shall adopt rules in accordance with Chapter 16245  
119. of the Revised Code to administer and enforce this section. 16246

**Sec. 4731.297.** (A) As used in this section: 16247

(1) "Academic medical center" means a medical school and 16248  
its affiliated teaching hospitals and clinics partnering to do 16249  
all of the following: 16250

(a) Provide the highest quality of patient care from 16251  
expert physicians; 16252

(b) Conduct groundbreaking research leading to medical 16253  
advancements for current and future patients; 16254

(c) Provide medical education and graduate medical 16255  
education to educate and train physicians. 16256

(2) "Affiliated physician group practice" means a medical 16257  
practice that consists of one or more physicians authorized 16258  
under this chapter to practice medicine and surgery or 16259  
osteopathic medicine and surgery and that is affiliated with an 16260  
academic medical center to further the objectives described in 16261  
divisions (A) (1) (a) to (c) of this section. 16262

(B) The state medical board shall issue, without 16263  
examination, to an applicant who meets the requirements of this 16264  
section a certificate of conceded eminence authorizing the 16265  
practice of medicine and surgery or osteopathic medicine and 16266  
surgery as part of the applicant's employment with an academic 16267  
medical center in this state or affiliated physician group 16268  
practice in this state. 16269

(C) To be eligible for a certificate of conceded eminence, 16270  
an applicant shall provide to the board all of the following: 16271

(1) Evidence satisfactory to the board of all of the 16272  
following: 16273

(a) That the applicant is an international medical 16274

graduate who holds a medical degree from an educational 16275  
institution listed in the international medical education 16276  
directory; 16277

(b) That the applicant has been appointed to serve in this 16278  
state as a full-time faculty member of a medical school 16279  
accredited by the liaison committee on medical education or an 16280  
osteopathic medical school accredited by the American 16281  
osteopathic association; 16282

(c) That the applicant has accepted an offer of employment 16283  
with an academic medical center in this state or affiliated 16284  
physician group practice in this state; 16285

(d) That the applicant holds a license in good standing in 16286  
another state or country authorizing the practice of medicine 16287  
and surgery or osteopathic medicine and surgery; 16288

(e) That the applicant has unique talents and 16289  
extraordinary abilities not generally found within the 16290  
applicant's specialty, as demonstrated by satisfying at least 16291  
four of the following: 16292

(i) The applicant has achieved educational qualifications 16293  
beyond those that are required for entry into the applicant's 16294  
specialty, including advanced degrees, special certifications, 16295  
or other academic credentials. 16296

(ii) The applicant has written multiple articles in 16297  
journals listed in the index medicus or an equivalent scholarly 16298  
publication acceptable to the board. 16299

(iii) The applicant has a sustained record of excellence 16300  
in original research, at least some of which involves serving as 16301  
the principal investigator or co-principal investigator for a 16302  
research project. 16303



- (iv) The applicant has received nationally or 16304  
internationally recognized prizes or awards for excellence. 16305
- (v) The applicant has participated in peer review in a 16306  
field of specialization that is the same as or similar to the 16307  
applicant's specialty. 16308
- (vi) The applicant has developed new procedures or 16309  
treatments for complex medical problems that are recognized by 16310  
peers as a significant advancement in the applicable field of 16311  
medicine. 16312
- (vii) The applicant has held previous academic 16313  
appointments with or been employed by a health care organization 16314  
that has a distinguished national or international reputation. 16315
- (viii) The applicant has been the recipient of a national 16316  
institutes of health or other competitive grant award. 16317
- (f) That the applicant has received staff membership or 16318  
professional privileges from the academic medical center 16319  
pursuant to standards adopted under section 3701.351 of the 16320  
Revised Code on a basis that requires the applicant's medical 16321  
education and graduate medical education to be at least 16322  
equivalent to that of a physician educated and trained in the 16323  
United States; 16324
- (g) That the applicant has sufficient written and oral 16325  
English skills to communicate effectively and reliably with 16326  
patients, their families, and other medical professionals; 16327
- (h) That the applicant will have professional liability 16328  
insurance through the applicant's employment with the academic 16329  
medical center or affiliated physician group practice. 16330
- (2) An attestation that the applicant agrees to practice 16331

only within the clinical setting of the academic medical center 16332  
or for the affiliated physician group practice; 16333

(3) Three letters of reference from distinguished experts 16334  
in the applicant's specialty attesting to the unique 16335  
capabilities of the applicant, at least one of which must be 16336  
from outside the academic medical center or affiliated physician 16337  
group practice; 16338

(4) An affidavit from the dean of the medical school where 16339  
the applicant has been appointed to serve as a faculty member 16340  
stating that the applicant meets all of the requirements of 16341  
division (C) (1) of this section and that the letters of 16342  
reference submitted under division (C) (3) of this section are 16343  
from distinguished experts in the applicant's specialty, and 16344  
documentation to support the affidavit; 16345

(5) A fee of one thousand dollars for the certificate. 16346

(D) (1) The holder of a certificate of conceded eminence 16347  
may practice medicine and surgery or osteopathic medicine and 16348  
surgery only within the clinical setting of the academic medical 16349  
center with which the certificate holder is employed or for the 16350  
affiliated physician group practice with which the certificate 16351  
holder is employed. 16352

(2) A certificate holder may supervise medical students, 16353  
physicians participating in graduate medical education, advanced 16354  
practice nurses, and physician assistants when performing 16355  
clinical services in the certificate holder's area of specialty. 16356

(E) The board may revoke a certificate issued under this 16357  
section on receiving proof satisfactory to the board that the 16358  
certificate holder has engaged in practice in this state outside 16359  
the scope of the certificate or that there are grounds for 16360

action against the certificate holder under section 4731.22 of 16361  
the Revised Code. 16362

(F) A certificate of conceded eminence is valid for the 16363  
shorter of two years or the duration of the certificate holder's 16364  
employment with the academic medical center or affiliated 16365  
physician group practice. The certificate ceases to be valid if 16366  
the holder resigns or is otherwise terminated from the academic 16367  
medical center or affiliated physician group practice. 16368

(G) A certificate of conceded eminence may be renewed for 16369  
an additional two-year period. There is no limit on the number 16370  
of times a certificate may be renewed. A person seeking renewal 16371  
of a certificate shall apply to the board and is eligible for 16372  
renewal if the applicant does all of the following: 16373

(1) Pays the renewal fee of one thousand dollars; 16374

(2) Provides to the board an affidavit and supporting 16375  
documentation from the academic medical center or affiliated 16376  
physician group practice of all of the following: 16377

(a) That the applicant's initial appointment to the 16378  
medical faculty is still valid or has been renewed; 16379

(b) That the applicant's clinical practice is consistent 16380  
with the established standards in the field; 16381

(c) That the applicant has demonstrated continued 16382  
scholarly achievement; 16383

(d) That the applicant has demonstrated continued 16384  
professional achievement consistent with the academic medical 16385  
center's requirements, established pursuant to standards adopted 16386  
under section 3701.351 of the Revised Code, for physicians with 16387  
staff membership or professional privileges with the academic 16388

medical center. 16389

(3) Satisfies the same continuing medical education 16390  
requirements set forth in section 4731.282 of the Revised Code 16391  
that apply to a person who holds a certificate to practice 16392  
medicine and surgery or osteopathic medicine and surgery issued 16393  
under this chapter. 16394

(4) Complies with any other requirements established by 16395  
the board. 16396

(H) The board shall not require a person to obtain a 16397  
certificate under section 9.79 of the Revised Code to practice 16398  
medicine and surgery or osteopathic medicine and surgery if the 16399  
person holds a certificate of conceded eminence issued under 16400  
this section. 16401

(I) The board may adopt any rules it considers necessary 16402  
to implement this section. The rules shall be adopted in 16403  
accordance with Chapter 119. of the Revised Code. 16404

**Sec. 4731.299.** (A) The Except as provided in division (I) 16405  
of this section, the state medical board may issue, without 16406  
examination, to an applicant who meets all of the requirements 16407  
of this section an expedited license to practice medicine and 16408  
surgery or osteopathic medicine and surgery by endorsement. 16409

(B) An individual who seeks an expedited license by 16410  
endorsement shall file with the board a written application on a 16411  
form prescribed and supplied by the board. The application shall 16412  
include all of the information the board considers necessary to 16413  
process it. 16414

(C) To Except as provided in division (I) of this section, 16415  
to be eligible to receive an expedited license by endorsement, 16416  
an applicant shall do both of the following: 16417

(1) Provide evidence satisfactory to the board that the applicant meets all of the following requirements:

(a) Has passed one of the following:

(i) Steps one, two, and three of the United States medical licensing examination;

(ii) Levels one, two, and three of the comprehensive osteopathic medical licensing examination of the United States;

(iii) Any other medical licensing examination recognized by the board.

(b) During the five-year period immediately preceding the date of application, has held a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by the licensing authority of ~~another state or a~~ Canadian province;

(c) For at least two years immediately preceding the date of application, has actively practiced medicine and surgery or osteopathic medicine and surgery in a clinical setting;

(d) Is in compliance with the medical education and training requirements in sections 4731.09 and 4731.14 of the Revised Code.

(2) Certify to the board that all of the following are the case:

(a) Not more than two malpractice claims, which resulted in a finding of liability or in payment, have been filed against the applicant during the ten-year period immediately preceding the date of application and no malpractice claim against the applicant during that ten-year period has resulted in total payment of more than five hundred thousand dollars.

(b) The applicant does not have a criminal record 16446  
according to the criminal records check required by section 16447  
4731.08 of the Revised Code. 16448

(c) The applicant does not have a medical condition that 16449  
could affect the applicant's ability to practice according to 16450  
acceptable and prevailing standards of care. 16451

(d) No adverse action has been taken against the applicant 16452  
by a health care institution. 16453

(e) To the applicant's knowledge, no federal agency, 16454  
medical society, medical association, or branch of the United 16455  
States military has investigated or taken action against the 16456  
applicant. 16457

(f) No professional licensing or regulatory authority has 16458  
filed a complaint against, investigated, or taken action against 16459  
the applicant and the applicant has not withdrawn a professional 16460  
license application. 16461

(g) The applicant has not been suspended or expelled from 16462  
any institution of higher education or school, including a 16463  
medical school. 16464

(D) An applicant for an expedited license by endorsement 16465  
shall comply with section 4731.08 of the Revised Code. 16466

(E) ~~At~~ Except as provided in division (I) of this section, 16467  
at the time of application, the applicant shall pay to the board 16468  
a fee of one thousand dollars, no part of which shall be 16469  
returned. No application shall be considered filed until the 16470  
board receives the fee. 16471

(F) The secretary and supervising member of the board 16472  
shall review all applications received under this section. 16473

If the secretary and supervising member determine that an 16474  
applicant meets the requirements for an expedited license by 16475  
endorsement, the board shall issue the license to the applicant. 16476

If the secretary and supervising member determine that an 16477  
applicant does not meet the requirements for an expedited 16478  
license by endorsement, the application shall be treated as an 16479  
application under section 4731.09 of the Revised Code. 16480

(G) Each license issued by the board under this section 16481  
shall be signed by the president and secretary of the board and 16482  
attested by the board's seal. 16483

(H) Within sixty days after September 29, 2013, the board 16484  
shall approve acceptable means of demonstrating compliance with 16485  
sections 4731.09 and 4731.14 of the Revised Code as required by 16486  
division (C) (1) (d) of this section. 16487

(I) The board shall issue a license to practice medicine 16488  
and surgery or osteopathic medicine and surgery in accordance 16489  
with section 9.79 of the Revised Code to an applicant if either 16490  
of the following applies: 16491

(1) The applicant holds a license in another state. 16492

(2) The applicant has satisfactory work experience, a 16493  
government certification, or a private certification as 16494  
described in that section as a physician in a state that does 16495  
not issue that license. 16496

**Sec. 4731.52.** (A) A-Except as provided in division (E) of 16497  
this section, a person seeking a license to practice podiatric 16498  
medicine and surgery shall file with the state medical board an 16499  
application in the form and manner prescribed by the board. The 16500  
application must include all of the following: 16501

- (1) Evidence satisfactory to the board to demonstrate that the applicant meets all of the following requirements:
- (a) Is at least eighteen years of age and of good moral character;
- (b) Possesses a high school diploma or a certificate of high school equivalence or has obtained the equivalent of such education as determined by the board;
- (c) Has completed at least two years of undergraduate work in a college of arts and sciences or the equivalent of such education as determined by the board;
- (d) Holds a degree from a college of podiatric medicine and surgery that was in good standing with the board at the time the degree was granted, as determined by the board;
- (e) Has completed one year of postgraduate training in a podiatric internship, residency, or clinical fellowship program accredited by the council on podiatric medicine or the American podiatric medical association or its equivalent as determined by the board;
- (f) Has successfully passed an examination prescribed in rules adopted by the board to determine competency to practice podiatric medicine and surgery;
- (g) Has complied with section 4731.531 of the Revised Code.
- (2) An attestation that the information submitted under this section is accurate and truthful;
- (3) Consent to the release of the applicant's information;
- (4) Any other information the board requires.



(B) An applicant for a license to practice podiatric  
medicine and surgery shall include with the application a fee of  
three hundred five dollars, no part of which may be returned. An  
application is not considered submitted until the board receives  
the fee.

(C) The board may conduct an investigation related to the  
application materials received pursuant to this section and may  
contact any individual, agency, or organization for  
recommendations or other information about the applicant.

(D) The board shall conclude any investigation of an  
applicant conducted under section 4731.22 of the Revised Code  
not later than ninety days after receipt of a complete  
application unless the applicant agrees in writing to an  
extension or the board determines that there is a substantial  
question of a violation of this chapter or the rules adopted  
under it and notifies the applicant in writing of the reasons  
for continuation of the investigation. If the board determines  
that the applicant is not in violation of this chapter or the  
rules adopted under it, the board shall issue a license not  
later than forty-five days after making that determination.

(E) The board shall issue a license to practice podiatric  
medicine and surgery in accordance with section 9.79 of the  
Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a  
government certification, or a private certification as  
described in that section as a podiatrist in a state that does  
not issue that license.

**Sec. 4731.572.** (A) The state medical board may issue,

without examination, a visiting podiatric faculty certificate to 16558  
any person who holds a current, unrestricted license to practice 16559  
podiatric medicine and surgery issued by another state or 16560  
country and has been appointed to serve in this state on the 16561  
academic staff of an approved college of podiatric medicine and 16562  
surgery in good standing, as determined by the board. The board 16563  
shall not require a person who holds a license in another state 16564  
to obtain a license under section 9.79 of the Revised Code. 16565

(B) An applicant for a visiting podiatric faculty 16566  
certificate shall submit evidence satisfactory to the board that 16567  
the applicant meets the requirements of division (A) of this 16568  
section. The applicant shall pay a fee of one hundred twenty- 16569  
five dollars. 16570

(C) The holder of a visiting podiatric faculty certificate 16571  
may practice podiatric medicine and surgery only as is 16572  
incidental to the certificate holder's teaching duties at the 16573  
college or the teaching hospitals affiliated with the college. 16574  
The board may revoke a certificate on receiving proof 16575  
satisfactory to the board that the holder of the certificate has 16576  
engaged in practice in this state outside the scope of the 16577  
certificate or that there are grounds for action against the 16578  
certificate holder under section 4731.22 of the Revised Code. 16579

(D) A visiting podiatric faculty certificate is valid for 16580  
the shorter of one year or the duration of the holder's 16581  
appointment to the academic staff of the college. The 16582  
certificate may not be renewed. 16583

**Sec. 4731.573.** (A) An Except as provided in division (E) 16584  
of this section, an individual seeking to pursue an internship, 16585  
residency, or clinical fellowship program in podiatric medicine 16586  
and surgery in this state, who does not hold a license to 16587

practice podiatric medicine and surgery issued under this 16588  
chapter, shall apply to the state medical board for a training 16589  
certificate. The application shall be made on forms that the 16590  
board shall furnish and shall be accompanied by an application 16591  
fee of one hundred thirty dollars. 16592

An applicant for a training certificate shall furnish to 16593  
the board all of the following: 16594

(1) Evidence satisfactory to the board that the applicant 16595  
is at least eighteen years of age and is of good moral 16596  
character; 16597

(2) Evidence satisfactory to the board that the applicant 16598  
has been accepted or appointed to participate in this state in 16599  
one of the following: 16600

(a) An internship, residency, or clinical fellowship 16601  
program accredited by either the council on podiatric medical 16602  
education or the American podiatric medical association; 16603

(b) A clinical fellowship program that is not accredited 16604  
as described in division (A) (2) (a) of this section, but is 16605  
conducted at an institution with a residency program that is 16606  
accredited as described in that division and is in a clinical 16607  
field the same as or related to the clinical field of the 16608  
fellowship program. 16609

(3) Information identifying the beginning and ending dates 16610  
of the period for which the applicant has been accepted or 16611  
appointed to participate in the internship, residency, or 16612  
clinical fellowship program; 16613

(4) Any other information that the board requires. 16614

(B) ~~If Except as provided in division (E) of this section,~~ 16615

if no grounds for denying a license or certificate under section 16616  
4731.22 of the Revised Code apply and the applicant meets the 16617  
requirements of division (A) of this section, the board shall 16618  
issue a training certificate to the applicant. The board shall 16619  
not require an examination as a condition of receiving a 16620  
training certificate. 16621

A training certificate issued pursuant to this section 16622  
shall be valid only for three years, but may be renewed by the 16623  
board for one additional three-year period. To renew a training 16624  
certificate, the holder shall apply to the board on or before 16625  
the certificate's expiration date. 16626

The fee for renewal of a training certificate shall be one 16627  
hundred dollars. A late application may be submitted not more 16628  
than thirty days after the certificate's expiration date. In 16629  
such a case, the holder shall include with the application a 16630  
one-hundred-fifty-dollar reinstatement fee. 16631

(C) The holder of a valid training certificate shall be 16632  
entitled to perform such acts as may be prescribed by or 16633  
incidental to the holder's internship, residency, or clinical 16634  
fellowship program, but the holder shall not be entitled 16635  
otherwise to engage in the practice of podiatric medicine and 16636  
surgery in this state. The holder shall limit activities under 16637  
the certificate to the programs of the hospitals or facilities 16638  
for which the training certificate is issued. The holder shall 16639  
train only under the supervision of the podiatrists responsible 16640  
for supervision as part of the internship, residency, or 16641  
clinical fellowship program. A training certificate may be 16642  
revoked by the board upon proof, satisfactory to the board, that 16643  
the holder thereof has engaged in practice in this state outside 16644  
the scope of the internship, residency, or clinical fellowship 16645

program for which the training certificate has been issued, or  
upon proof, satisfactory to the board, that the holder thereof  
has engaged in unethical conduct or that there are grounds for  
action against the holder under section 4731.22 of the Revised  
Code.

(D) The board may adopt rules as the board finds necessary  
to effect the purpose of this section.

(E) The board shall issue a training certificate to  
practice podiatric medicine and surgery in accordance with  
section 9.79 of the Revised Code to an applicant if either of  
the following applies:

(1) The applicant holds a license or certificate in  
another state.

(2) The applicant has satisfactory work experience, a  
government certification, or a private certification as  
described in that section practicing podiatric medicine and  
surgery in a state that does not issue that license or  
certificate.

**Sec. 4732.10.** (A) The state board of psychology shall  
appoint an entrance examiner who shall determine the sufficiency  
of an applicant's qualifications for admission to the  
appropriate examination. A member of the board or the executive  
director may be appointed as the entrance examiner.

(B) Requirements for admission to examination for a  
psychologist license shall be that the applicant:

(1) Is at least twenty-one years of age;

(2) Is of good moral character;

(3) Meets one of the following requirements:

(a) Received an earned doctoral degree from an institution 16674  
accredited or recognized by a national or regional accrediting 16675  
agency and a program accredited by any of the following: 16676

(i) The American psychological association, office of 16677  
program consultation and accreditation; 16678

(ii) The accreditation office of the Canadian 16679  
psychological association; 16680

(iii) A program listed by the association of state and 16681  
provincial psychology boards/national register designation 16682  
committee; 16683

(iv) The national association of school psychologists. 16684

(b) Received an earned doctoral degree in psychology or 16685  
school psychology from an institution accredited or recognized 16686  
by a national or regional accrediting agency but the program 16687  
does not meet the program accreditation requirements of division 16688  
(B) (3) (a) of this section; 16689

(c) Received from an academic institution outside of the 16690  
United States or Canada a degree determined, under rules adopted 16691  
by the board under division (E) of this section, to be 16692  
equivalent to a doctoral degree in psychology from a program 16693  
described in division (B) (3) (a) of this section; 16694

(d) Held a psychologist license, certificate, or 16695  
registration required for practice in ~~another United States or a~~ 16696  
Canadian jurisdiction for a minimum of ten years and meets 16697  
educational, experience, and professional requirements 16698  
established under rules adopted by the board. 16699

(4) Has had at least two years of supervised professional 16700  
experience in psychological work of a type satisfactory to the 16701

board, at least one year of which must be a predoctoral 16702  
internship. The board shall adopt guidelines for the kind of 16703  
supervised professional experience that fulfill this 16704  
requirement. 16705

(5) If applying under division (B) (3) (b) or (c) of this 16706  
section, has had at least two years of supervised professional 16707  
experience in psychological work of a type satisfactory to the 16708  
board, at least one year of which must be postdoctoral. The 16709  
board shall adopt guidelines for the kind of supervised 16710  
professional experience that fulfill this requirement. 16711

(C) Requirements for admission to examination for a school 16712  
psychologist license shall be that the applicant: 16713

(1) Has received from an educational institution 16714  
accredited or recognized by national or regional accrediting 16715  
agencies as maintaining satisfactory standards, including those 16716  
approved by the state board of education for the training of 16717  
school psychologists, at least a master's degree in school 16718  
psychology, or a degree considered equivalent by the board; 16719

(2) Is at least twenty-one years of age; 16720

(3) Is of good moral character; 16721

(4) Has completed at least sixty quarter hours, or the 16722  
semester hours equivalent, at the graduate level, of accredited 16723  
study in course work relevant to the study of school psychology; 16724

(5) Has completed an internship in an educational 16725  
institution approved by the Ohio department of education for 16726  
school psychology supervised experience or one year of other 16727  
training experience acceptable to the board, such as supervised 16728  
professional experience under the direction of a licensed 16729  
psychologist or licensed school psychologist; 16730

(6) Furnishes proof of at least twenty-seven months, 16731  
exclusive of internship, of full-time experience as a 16732  
certificated school psychologist employed by a board of 16733  
education or a private school meeting the standards prescribed 16734  
by the state board of education, or of experience that the board 16735  
deems equivalent. 16736

(D) If the entrance examiner finds that the applicant 16737  
meets the requirements set forth in this section, the applicant 16738  
shall be admitted to the appropriate examination. 16739

(E) The board shall adopt under Chapter 119. of the 16740  
Revised Code rules for determining for the purposes of division 16741  
(B) (3) (b) of this section whether a degree is equivalent to a 16742  
degree in psychology from an institution in the United States. 16743

**Sec. 4732.12.** If an applicant for a license issued by the 16744  
state board of psychology to practice as a psychologist or 16745  
school psychologist receives a score acceptable to the board on 16746  
the appropriate examination required by section 4732.11 of the 16747  
Revised Code and has paid the fee required by section 4732.15 of 16748  
the Revised Code, the board shall issue the appropriate license. 16749

The board shall issue a license to practice as a 16750  
psychologist or school psychologist, as appropriate, in 16751  
accordance with section 9.79 of the Revised Code to an applicant 16752  
who holds a license in another state or has satisfactory work 16753  
experience, a government certification, or a private 16754  
certification as described in that section as a psychologist or 16755  
school psychologist in a state that does not issue that license. 16756

**Sec. 4732.22.** (A) The following persons are exempted from 16757  
the licensing requirements of this chapter: 16758

(1) A person who holds a license or certificate issued by 16759



the state board of education authorizing the practice of school psychology, while practicing school psychology within the scope of employment by a board of education or by a private school meeting the standards prescribed by the state board of education under division (D) of section 3301.07 of the Revised Code, or while acting as a school psychologist within the scope of employment in a program for children with disabilities established under Chapter 3323. or 5126. of the Revised Code. A person exempted under this division shall not offer psychological services to any other individual, organization, or group for remuneration, monetary or otherwise, unless the person is licensed by the state board of psychology.

(2) Any nonresident temporarily employed in this state to render psychological services for not more than thirty days a year, who, in the opinion of the board, meets the standards for entrance in division (B) of section 4732.10 of the Revised Code, who has paid the required fee and submitted an application prescribed by the board, and who holds whatever license or certificate, if any, is required for such practice in the person's home state or home country. The state board of psychology shall not require a nonresident temporarily employed in this state who holds a license or certificate in another state to obtain a license in accordance with section 9.79 of the Revised Code to practice or render psychological services in the manner described under this division.

(3) Any person working under the supervision of a psychologist or school psychologist licensed under this chapter, while carrying out specific tasks, under the license holder's supervision, as an extension of the license holder's legal and ethical authority as specified under this chapter if the person is registered under division (B) of this section. All fees shall

be billed under the name of the license holder. The person 16791  
working under the license holder's supervision shall not 16792  
represent self to the public as a psychologist or school 16793  
psychologist, although supervised persons and persons in 16794  
training may be ascribed such titles as "psychology trainee," 16795  
"psychology assistant," "psychology intern," or other 16796  
appropriate term that clearly implies their supervised or 16797  
training status. 16798

(4) Any student in an accredited educational institution, 16799  
while carrying out activities that are part of the student's 16800  
prescribed course of study, provided such activities are 16801  
supervised by a professional person who is qualified to perform 16802  
such activities and is licensed under this chapter or is a 16803  
qualified supervisor pursuant to rules of the board; 16804

(5) Recognized religious officials, including ministers, 16805  
priests, rabbis, imams, Christian science practitioners, and 16806  
other persons recognized by the board, conducting counseling 16807  
when the counseling activities are within the scope of the 16808  
performance of their regular duties and are performed under the 16809  
auspices or sponsorship of an established and legally cognizable 16810  
religious denomination or sect, as defined in current federal 16811  
tax regulations, and when the religious official does not refer 16812  
to the official's self as a psychologist and remains accountable 16813  
to the established authority of the religious denomination or 16814  
sect; 16815

(6) Persons in the employ of the federal government 16816  
insofar as their activities are a part of the duties of their 16817  
positions; 16818

(7) Persons licensed, certified, or registered under any 16819  
other provision of the Revised Code who are practicing those 16820

arts and utilizing psychological procedures that are allowed and 16821  
within the standards and ethics of their profession or within 16822  
new areas of practice that represent appropriate extensions of 16823  
their profession, provided that they do not hold themselves out 16824  
to the public by the title of psychologist; 16825

(8) Persons using the term "social psychologist," 16826  
"experimental psychologist," "developmental psychologist," 16827  
"research psychologist," "cognitive psychologist," and other 16828  
terms used by those in academic and research settings who 16829  
possess a doctoral degree in psychology from an educational 16830  
institution accredited or recognized by national or regional 16831  
accrediting agencies as maintaining satisfactory standards and 16832  
who do not use such a term in the solicitation or rendering of 16833  
professional psychological services. 16834

(B) The license holder who is supervising a person 16835  
described in division (A) (3) of this section shall register the 16836  
person with the board. The board shall adopt rules regarding the 16837  
registration process and the supervisory relationship. 16838

**Sec. 4733.18.** (A) The state board of registration for 16839  
professional engineers and surveyors ~~may shall~~ authorize a 16840  
temporary registration for an individual who has filed with the 16841  
board an application for a temporary registration and has paid 16842  
the required fee in accordance with section 9.79 of the Revised 16843  
Code. The temporary registration continues only for the time the 16844  
board requires for consideration of the application for 16845  
registration, ~~provided a person is legally qualified to practice~~ 16846  
~~that profession in the person's own state in which the~~ 16847  
~~requirements and qualifications of registration are not lower~~ 16848  
~~than those specified in this chapter.~~ 16849

(B) (1) The following persons are exempt from this chapter: 16850

(a) An employee or a subordinate of a person registered 16851  
under this chapter or an employee of a person holding temporary 16852  
registration under division (A) of this section, provided the 16853  
employee's or subordinate's duties do not include responsible 16854  
charge of engineering or surveying work; 16855

(b) Officers and employees of the government of the United 16856  
States while engaged within this state in the practice of 16857  
engineering or surveying, for that government; 16858

(c) An engineer engaged solely as an officer of a 16859  
privately owned public utility. 16860

(2) This chapter does not require registration for the 16861  
purpose of practicing professional engineering, or professional 16862  
surveying by an individual, firm, or corporation on property 16863  
owned or leased by that individual, firm, or corporation unless 16864  
the same involves the public welfare or the safeguarding of 16865  
life, health, or property, or for the performance of engineering 16866  
or surveying which relates solely to the design or fabrication 16867  
of manufactured products. 16868

(C) Nothing in this chapter prevents persons other than 16869  
engineers from preparing plans, drawings, specifications, or 16870  
data, from filing applications for building permits, or from 16871  
obtaining those permits for residential buildings, as defined by 16872  
section 3781.06 of the Revised Code, or buildings that are 16873  
erected as one-, two-, or three-family units or structures 16874  
within the meaning of the term "industrialized unit" as provided 16875  
in section 3781.06 of the Revised Code. 16876

(D) Nothing in this chapter prevents persons other than 16877  
engineers from preparing drawings or data, from filing 16878  
applications for building permits, or from obtaining those 16879

permits for the installation of replacement equipment or systems 16880  
that are similar in type or capacity to the equipment or systems 16881  
being replaced, and for any improvement, alteration, repair, 16882  
painting, decorating, or other modification of any buildings or 16883  
structures subject to sections 3781.06 to 3781.18 and 3791.04 of 16884  
the Revised Code where the building official determines that no 16885  
plans or specifications are required for approval. 16886

**Sec. 4733.19.** ~~A~~ With respect to a person registered or 16887  
licensed to engage in the practice of engineering or surveying 16888  
by a proper authority of a state, territory, or possession of 16889  
the United States, or the District of Columbia, who, in the 16890  
~~opinion of~~ or has satisfactory work experience, a government 16891  
certification, or a private certification as an engineer or 16892  
surveyor in a state, territory, or possession of the United 16893  
States, or the District of Columbia that does not issue that 16894  
registration or license, the state board of registration for 16895  
professional engineers and surveyors, ~~meets the requirements of~~ 16896  
~~this chapter, based on verified evidence, may, upon application~~ 16897  
~~and payment of the established fee, be registered~~ shall register 16898  
the person as a professional engineer or surveyor in accordance 16899  
with section 9.79 of the Revised Code. 16900

~~Any person who seeks registration as a professional~~ 16901  
~~surveyor under this section must pass a two-hour professional~~ 16902  
~~practice examination, devoted to the laws and practices of this~~ 16903  
~~state prior to receiving such registration.~~ 16904

**Sec. 4734.23.** (A) A person licensed by another ~~state or~~ 16905  
country in the practice of chiropractic may apply under this 16906  
section for a license to practice chiropractic in this state in 16907  
lieu of applying under section 4734.20 of the Revised Code. The 16908  
fee for applying under this ~~section~~ division shall be five 16909

hundred dollars. 16910

(B) The state chiropractic board may, for good cause, 16911  
waive all or part of the educational and testing requirements 16912  
specified under section 4734.20 of the Revised Code and issue a 16913  
license to an applicant under division (A) of this section, if 16914  
the applicant presents satisfactory proof of being licensed to 16915  
practice chiropractic in another ~~state or~~ country where the 16916  
requirements for receipt of the license, on the date the license 16917  
was issued, are considered by the board to be substantially 16918  
equivalent to those of this chapter. The applicant must meet the 16919  
same age and moral character requirements that must be met under 16920  
section 4734.20 of the Revised Code. If the board does not waive 16921  
all of the educational and testing requirements, the board may 16922  
require that the applicant complete and receive a score 16923  
specified by the board on one or more tests administered by the 16924  
board or by the national board of chiropractic examiners or 16925  
another testing entity. 16926

(C) The state chiropractic board shall issue a license to 16927  
practice chiropractic in accordance with section 9.79 of the 16928  
Revised Code to an applicant if either of the following applies: 16929

(1) The applicant holds a license to practice chiropractic 16930  
in another state. 16931

(2) The applicant has satisfactory work experience, a 16932  
government certification, or a private certification as 16933  
described in that section as a chiropractor in a state that does 16934  
not issue that license. 16935

**Sec. 4734.27.** (A) To the extent it is in the public 16936  
interest, the state chiropractic board may issue, without 16937  
examination, a special limited license to practice chiropractic 16938

as follows: 16939

(1) To a person who is seeking to participate in an 16940  
internship, residency, preceptorship, or clinical fellowship in 16941  
this state in preparation for the practice of chiropractic; 16942

(2) To a person who plans to provide chiropractic services 16943  
in connection with a special activity, program, or event 16944  
conducted in this state, if the person holds a current, valid, 16945  
and unrestricted license to practice chiropractic in another 16946  
state or country; 16947

(3) To a person who previously held an unrestricted 16948  
license to practice chiropractic in this state who plans to 16949  
offer gratuitous chiropractic services as a voluntary public 16950  
service; 16951

(4) To any other person for any other reason specified as 16952  
good cause by the board in rules adopted under this section. 16953

(B) An applicant for a special limited license shall 16954  
submit to the board a complete application on a form prescribed 16955  
by the board, pay an application fee of seventy-five dollars, 16956  
and furnish proof satisfactory to the board of being at least 16957  
twenty-one years of age, of good moral character, and of either 16958  
holding the degree of doctor of chiropractic or being enrolled 16959  
in a program leading to the degree. The institution from which 16960  
the applicant received the degree or in which the applicant is 16961  
enrolled must be a school or college that is approved by the 16962  
board under section 4734.21 of the Revised Code. 16963

(C) The provisions of this chapter that apply to 16964  
applicants for and holders of licenses to practice chiropractic 16965  
shall apply to applicants for and holders of special limited 16966  
licenses to the extent the board considers appropriate, 16967

including the board's authority to conduct any investigation it 16968  
considers appropriate to verify an applicant's credentials, 16969  
moral character, and fitness to receive a license and the 16970  
board's authority to take actions under section 4734.31 of the 16971  
Revised Code. 16972

(D) The board shall adopt any rules it considers necessary 16973  
to implement this section. All rules adopted under this section 16974  
shall be adopted in accordance with Chapter 119. of the Revised 16975  
Code. 16976

(E) (1) The board shall issue a special limited license to 16977  
practice chiropractic under division (A) (1) of this section in 16978  
accordance with section 9.79 of the Revised Code to a person if 16979  
either of the following applies: 16980

(a) The person holds a limited license to practice 16981  
chiropractic in another state. 16982

(b) The person has satisfactory work experience, a 16983  
government certification, or a private certification as 16984  
described in section 9.79 of the Revised Code as a chiropractor 16985  
in a state that does not issue that limited license. 16986

(2) A person who holds a special limited license to 16987  
practice chiropractic under division (A) (2) of this section is 16988  
not required to obtain a license under section 9.79 of the 16989  
Revised Code to practice under the special limited license. 16990

(3) Section 9.79 of the Revised Code does not apply to a 16991  
special limited license issued under division (A) (3) or (4) of 16992  
this section. 16993

**Sec. 4734.283.** If the state chiropractic board determines 16994  
under section 4734.282 of the Revised Code that an applicant 16995  
meets the requirements for a certificate to practice 16996



acupuncture, the executive director of the board shall issue to 16997  
the applicant a certificate to practice acupuncture. The 16998  
certificate shall expire annually. It may be renewed in 16999  
accordance with section 4734.284 of the Revised Code. 17000

Notwithstanding the requirements for a certificate under 17001  
this chapter, the executive director shall issue a certificate 17002  
to practice acupuncture in accordance with section 9.79 of the 17003  
Revised Code to a chiropractor who holds a license or 17004  
certificate to practice acupuncture in another state or has 17005  
satisfactory work experience, a government certification, or a 17006  
private certification as described in that section as an 17007  
acupuncturist in a state that does not issue that license or 17008  
certificate. 17009

**Sec. 4735.023.** (A) An oil and gas land professional who is 17010  
not otherwise permitted to engage in the activities described in 17011  
division (A) of section 4735.01 of the Revised Code may perform 17012  
such activities, if the oil and gas land professional does all 17013  
of the following: 17014

(1) (a) Registers on an annual basis as an oil and gas land 17015  
professional with the superintendent of real estate by such date 17016  
specified and on a form approved by the superintendent, which 17017  
form includes both of the following: 17018

(i) The name and address of the oil and gas land 17019  
professional; 17020

(ii) Evidence of the oil and gas land professional's 17021  
membership in good standing in a national, state, or local 17022  
professional organization that has been in existence for at 17023  
least three years and has, as part of its mission, developed a 17024  
set of standards of performance and ethics for oil and gas land 17025

professionals. 17026

(b) Pays an annual fee, established by the superintendent 17027  
in an amount not to exceed one hundred dollars, which shall 17028  
accompany the registration. 17029

(2) At or prior to first contacting any landowner or other 17030  
person with an interest in real estate for the purpose of 17031  
engaging in the activities of an oil and gas land professional, 17032  
and on a form approved by the superintendent, discloses to the 17033  
landowner or other person all of the following: 17034

(a) The oil and gas land professional's name and address 17035  
as registered with the superintendent; 17036

(b) That the oil and gas land professional is registered 17037  
as such with the superintendent and is a member in good standing 17038  
in a national, state, or local professional organization that 17039  
has been in existence for at least three years and has, as part 17040  
of its mission, developed a set of standards of performance and 17041  
ethics for oil and gas land professionals; 17042

(c) That the oil and gas land professional is not a 17043  
licensed real estate broker or real estate salesperson under 17044  
Chapter 4735. of the Revised Code; 17045

(d) That the landowner or other person with an interest in 17046  
real estate may seek legal counsel in connection with any 17047  
transaction with the oil and gas land professional; 17048

(e) That the oil and gas land professional is not 17049  
representing the landowner or other person with an interest in 17050  
real estate. 17051

(3) At or prior to entering into any agreements for the 17052  
purpose of exploring for, transporting, producing, or developing 17053

oil and gas mineral interests including, but not limited to, oil 17054  
and gas leases and pipeline easements with any landowner or 17055  
other person with an interest in real estate, and on a form 17056  
approved by the superintendent, discloses to the landowner or 17057  
other person with an interest in real estate all of the 17058  
following: 17059

(a) The oil and gas land professional's name and address 17060  
as registered with the superintendent; 17061

(b) That the oil and gas land professional is registered 17062  
as such with the superintendent and a member in good standing in 17063  
a national, state, or local professional organization that has 17064  
been in existence for at least three years and has, as part of 17065  
its mission, developed a set of standards of performance and 17066  
ethics for oil and gas land professionals; 17067

(c) That the oil and gas land professional is not a 17068  
licensed real estate broker or real estate salesperson under 17069  
Chapter 4735. of the Revised Code; 17070

(d) That the landowner or other person may seek legal 17071  
counsel in connection with any transaction with the oil and gas 17072  
land professional; 17073

(e) That the oil and gas land professional is not 17074  
representing the landowner or other person with an interest in 17075  
real estate. 17076

(B) Any oil and gas land professional who must be 17077  
registered as such with the superintendent pursuant to this 17078  
section who ceases to be a member in good standing of an 17079  
organization described in division (A) (1) (a) (ii) of this section 17080  
shall report the change in membership status to the 17081  
superintendent within thirty days of that change. Failure to 17082

report such change in membership status shall result in the 17083  
automatic suspension of registration status and subject the 17084  
registrant to the penalties for unlicensed activity as found in 17085  
section 4735.052 of the Revised Code. 17086

(C) Any oil and gas land professional who fails to 17087  
register with the superintendent pursuant to this section is 17088  
subject to the penalties for unlicensed activity as found in 17089  
section 4735.052 of the Revised Code. 17090

(D) Notwithstanding any provision of this section to the 17091  
contrary, the superintendent shall register in accordance with 17092  
section 9.79 of the Revised Code as an oil and gas land 17093  
professional a person if either of the following applies: 17094

(1) The person is licensed or registered as an oil and gas 17095  
land professional in another state. 17096

(2) The person has satisfactory work experience, a 17097  
government certification, or a private certification as 17098  
described in that section as an oil and gas land professional in 17099  
a state that does not issue that license or registration. 17100

**Sec. 4735.07.** (A) The superintendent of real estate, with 17101  
the consent of the Ohio real estate commission, may enter into 17102  
agreements with recognized national testing services to 17103  
administer the real estate broker's examination under the 17104  
superintendent's supervision and control, consistent with the 17105  
requirements of this chapter as to the contents of such 17106  
examination. 17107

(B) No applicant for a real estate broker's license shall 17108  
take the broker's examination who has not established to the 17109  
satisfaction of the superintendent that the applicant: 17110

(1) Is honest, truthful, and of good reputation; 17111

(2) (a) Has not been convicted of a felony or crime of 17112  
moral turpitude, or if the applicant has been so convicted, the 17113  
superintendent has disregarded the conviction because the 17114  
applicant has proven to the superintendent, by a preponderance 17115  
of the evidence, that the applicant's activities and employment 17116  
record since the conviction show that the applicant is honest, 17117  
truthful, and of good reputation, and there is no basis in fact 17118  
for believing that the applicant again will violate the laws 17119  
involved; 17120

(b) Has not been finally adjudged by a court to have 17121  
violated any municipal, state, or federal civil rights laws 17122  
relevant to the protection of purchasers or sellers of real 17123  
estate or, if the applicant has been so adjudged, at least two 17124  
years have passed since the court decision and the 17125  
superintendent has disregarded the adjudication because the 17126  
applicant has proven, by a preponderance of the evidence, that 17127  
the applicant's activities and employment record since the 17128  
adjudication show that the applicant is honest, truthful, and of 17129  
good reputation, and there is no basis in fact for believing 17130  
that the applicant will again violate the laws involved. 17131

(3) Has not, during any period in which the applicant was 17132  
licensed under this chapter, violated any provision of, or any 17133  
rule adopted pursuant to, this chapter, or, if the applicant has 17134  
violated any such provision or rule, has established to the 17135  
satisfaction of the superintendent that the applicant will not 17136  
again violate such provision or rule; 17137

(4) Is at least eighteen years of age; 17138

(5) Has been a licensed real estate broker or salesperson 17139  
for at least two years; during at least two of the five years 17140  
preceding the person's application, has worked as a licensed 17141

real estate broker or salesperson for an average of at least 17142  
thirty hours per week; and has completed one of the following: 17143

(a) At least twenty real estate transactions, in which 17144  
property was sold for another by the applicant while acting in 17145  
the capacity of a real estate broker or salesperson; 17146

(b) Such equivalent experience as is defined by rules 17147  
adopted by the commission. 17148

(6) (a) If licensed as a real estate salesperson prior to 17149  
August 1, 2001, successfully has completed at an institution of 17150  
higher education all of the following credit-eligible courses by 17151  
either classroom instruction or distance education: 17152

(i) Thirty hours of instruction in real estate practice; 17153

(ii) Thirty hours of instruction that includes the 17154  
subjects of Ohio real estate law, municipal, state, and federal 17155  
civil rights law, new case law on housing discrimination, 17156  
desegregation issues, and methods of eliminating the effects of 17157  
prior discrimination. If feasible, the instruction in Ohio real 17158  
estate law shall be taught by a member of the faculty of an 17159  
accredited law school. If feasible, the instruction in 17160  
municipal, state, and federal civil rights law, new case law on 17161  
housing discrimination, desegregation issues, and methods of 17162  
eliminating the effects of prior discrimination shall be taught 17163  
by a staff member of the Ohio civil rights commission who is 17164  
knowledgeable with respect to those subjects. The requirements 17165  
of this division do not apply to an applicant who is admitted to 17166  
practice before the supreme court. 17167

(iii) Thirty hours of instruction in real estate 17168  
appraisal; 17169

(iv) Thirty hours of instruction in real estate finance; 17170

(v) Three quarter hours, or its equivalent in semester	17171
hours, in financial management;	17172
(vi) Three quarter hours, or its equivalent in semester	17173
hours, in human resource or personnel management;	17174
(vii) Three quarter hours, or its equivalent in semester	17175
hours, in applied business economics;	17176
(viii) Three quarter hours, or its equivalent in semester	17177
hours, in business law.	17178
(b) If licensed as a real estate salesperson on or after	17179
August 1, 2001, successfully has completed at an institution of	17180
higher education all of the following credit-eligible courses by	17181
either classroom instruction or distance education:	17182
(i) Forty hours of instruction in real estate practice;	17183
(ii) Forty hours of instruction that includes the subjects	17184
of Ohio real estate law, municipal, state, and federal civil	17185
rights law, new case law on housing discrimination,	17186
desegregation issues, and methods of eliminating the effects of	17187
prior discrimination. If feasible, the instruction in Ohio real	17188
estate law shall be taught by a member of the faculty of an	17189
accredited law school. If feasible, the instruction in	17190
municipal, state, and federal civil rights law, new case law on	17191
housing discrimination, desegregation issues, and methods of	17192
eliminating the effects of prior discrimination shall be taught	17193
by a staff member of the Ohio civil rights commission who is	17194
knowledgeable with respect to those subjects. The requirements	17195
of this division do not apply to an applicant who is admitted to	17196
practice before the supreme court.	17197
(iii) Twenty hours of instruction in real estate	17198
appraisal;	17199

(iv) Twenty hours of instruction in real estate finance; 17200

(v) The training in the amount of hours specified under 17201  
divisions (B) (6) (a) (v), (vi), (vii), and (viii) of this section. 17202

(c) Division (B) (6) (a) or (b) of this section does not 17203  
apply to any applicant who holds a valid real estate 17204  
salesperson's license issued prior to January 2, 1972. Divisions 17205  
(B) (6) (a) (v), (vi), (vii), and (viii) or division (B) (6) (b) (v) 17206  
of this section do not apply to any applicant who holds a valid 17207  
real estate salesperson's license issued prior to January 3, 17208  
1984. 17209

(d) Divisions (B) (6) (a) (iii) and (B) (6) (b) (iii) of this 17210  
section do not apply to any new applicant who holds a valid Ohio 17211  
real estate appraiser license or certificate issued prior to the 17212  
date of application for a real estate broker's license. 17213

(e) Successful completion of the instruction required by 17214  
division (B) (6) (a) or (b) of this section shall be determined by 17215  
the law in effect on the date the instruction was completed. 17216

(7) If licensed as a real estate salesperson on or after 17217  
January 3, 1984, satisfactorily has completed a minimum of two 17218  
years of post-secondary education, or its equivalent in semester 17219  
or quarter hours, at an institution of higher education, and has 17220  
fulfilled the requirements of division (B) (6) (a) or (b) of this 17221  
section. The requirements of division (B) (6) (a) or (b) of this 17222  
section may be included in the two years of post-secondary 17223  
education, or its equivalent in semester or quarter hours, that 17224  
is required by this division. The post-secondary education 17225  
requirement may be satisfied by completing the credit-eligible 17226  
courses using either classroom instruction or distance 17227  
education. Successful completion of any course required by this 17228



section shall be determined by the law in effect on the date the 17229  
course was completed. 17230

(C) Each applicant for a broker's license shall be 17231  
examined in the principles of real estate practice, Ohio real 17232  
estate law, and financing and appraisal, and as to the duties of 17233  
real estate brokers and real estate salespersons, the 17234  
applicant's knowledge of real estate transactions and 17235  
instruments relating to them, and the canons of business ethics 17236  
pertaining to them. The commission from time to time shall 17237  
promulgate such canons and cause them to be published in printed 17238  
form. 17239

(D) Examinations shall be administered with reasonable 17240  
accommodations in accordance with the requirements of the 17241  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 17242  
U.S.C. 12101. The contents of an examination shall be consistent 17243  
with the requirements of division (B) (6) of this section and 17244  
with the other specific requirements of this section. An 17245  
applicant who has completed the requirements of division (B) (6) 17246  
of this section at the time of application shall be examined no 17247  
later than twelve months after the applicant is notified of 17248  
admission to the examination. 17249

(E) ~~The superintendent may waive one or more of the~~ 17250  
~~requirements of this section in the case of an application from~~ 17251  
~~a nonresident real estate broker pursuant to a reciprocity~~ 17252  
~~agreement with the licensing authority of the state from which~~ 17253  
~~the nonresident applicant holds a valid real estate broker~~ 17254  
~~license. Notwithstanding any provision of this chapter to the~~ 17255  
~~contrary, the superintendent shall issue a real estate broker's~~ 17256  
~~license in accordance with section 9.79 of the Revised Code to~~ 17257  
~~an applicant if either of the following applies:~~ 17258

(1) The applicant holds a license in another state. 17259

(2) The applicant has satisfactory work experience, a 17260  
government certification, or a private certification as 17261  
described in that section as a real estate broker in a state 17262  
that does not issue that license. 17263

(F) There shall be no limit placed on the number of times 17264  
an applicant may retake the examination. 17265

(G) (1) Not earlier than the date of issue of a real estate 17266  
broker's license to a licensee, but not later than twelve months 17267  
after the date of issue of a real estate broker's license to a 17268  
licensee, the licensee shall submit proof satisfactory to the 17269  
superintendent, on forms made available by the superintendent, 17270  
of the completion of ten hours of instruction that shall be 17271  
completed in schools, seminars, and educational institutions 17272  
that are approved by the commission. Approval of the curriculum 17273  
and providers shall be granted according to rules adopted 17274  
pursuant to section 4735.10 of the Revised Code and may be taken 17275  
through classroom instruction or distance education. 17276

If the required proof of completion is not submitted to 17277  
the superintendent within twelve months of the date a license is 17278  
issued under this section, the license of the real estate broker 17279  
is suspended automatically without the taking of any action by 17280  
the superintendent. The broker's license shall not be 17281  
reactivated by the superintendent until it is established, to 17282  
the satisfaction of the superintendent, that the requirements of 17283  
this division have been met and that the licensee is in 17284  
compliance with this chapter. A licensee's license is revoked 17285  
automatically without the taking of any action by the 17286  
superintendent if the licensee fails to submit proof of 17287  
completion of the education requirements specified under 17288

division (G) (1) of this section within twelve months of the date 17289  
the license is suspended. 17290

(2) If the license of a real estate broker is suspended 17291  
pursuant to division (G) (1) of this section, the license of a 17292  
real estate salesperson associated with that broker 17293  
correspondingly is suspended pursuant to division (H) of section 17294  
4735.20 of the Revised Code. However, the suspended license of 17295  
the associated real estate salesperson shall be reactivated and 17296  
no fee shall be charged or collected for that reactivation if 17297  
all of the following occur: 17298

(a) That broker subsequently submits satisfactory proof to 17299  
the superintendent that the broker has complied with the 17300  
requirements of division (G) (1) of this section and requests 17301  
that the broker's license as a real estate broker be 17302  
reactivated; 17303

(b) The superintendent then reactivates the broker's 17304  
license as a real estate broker; 17305

(c) The associated real estate salesperson intends to 17306  
continue to be associated with that broker and otherwise is in 17307  
compliance with this chapter. 17308

**Sec. 4735.08.** The superintendent of real estate shall 17309  
issue a real estate broker's license when the superintendent is 17310  
satisfied that: 17311

(A) An applicant who is not a partnership, association, 17312  
limited liability company, limited liability partnership, or 17313  
corporation ~~satisfies one of the following:~~ 17314

~~(1) Has~~ has received a passing score on each portion of 17315  
the real estate broker's examination as determined by rule by 17316  
the real estate commission. 17317

~~(2) Is qualified to be licensed without examination as a~~ 17318  
~~nonresident real estate broker, under division (E) of section~~ 17319  
~~4735.07 of the Revised Code.~~ 17320

(B) All the members or officers who are authorized to 17321  
perform the functions of a real estate broker as the agents of 17322  
an applicant that is a partnership, association, limited 17323  
liability company, limited liability partnership, or 17324  
corporation, are licensed themselves as real estate brokers 17325  
under this chapter. 17326

**Sec. 4735.09.** (A) Application for a license as a real 17327  
estate salesperson shall be made to the superintendent of real 17328  
estate on forms furnished by the superintendent and signed by 17329  
the applicant. The application shall be in the form prescribed 17330  
by the superintendent and shall contain such information as is 17331  
required by this chapter and the rules of the Ohio real estate 17332  
commission. The application shall be accompanied by the 17333  
recommendation of the real estate broker with whom the applicant 17334  
is associated or with whom the applicant intends to be 17335  
associated, certifying that the applicant is honest, truthful, 17336  
and of good reputation, has not been convicted of a felony or a 17337  
crime involving moral turpitude, and has not been finally 17338  
adjudged by a court to have violated any municipal, state, or 17339  
federal civil rights laws relevant to the protection of 17340  
purchasers or sellers of real estate, which conviction or 17341  
adjudication the applicant has not disclosed to the 17342  
superintendent, and recommending that the applicant be admitted 17343  
to the real estate salesperson examination. 17344

(B) A fee of eighty-one dollars shall accompany the 17345  
application, which fee includes the fee for the initial year of 17346  
the licensing period, if a license is issued. The initial year 17347

of the licensing period commences at the time the license is 17348  
issued and ends on the applicant's first birthday thereafter. 17349  
The application fee shall be nonrefundable. A fee of eighty-one 17350  
dollars shall be charged by the superintendent for each 17351  
successive application made by the applicant. One dollar of each 17352  
application fee shall be credited to the real estate education 17353  
and research fund. 17354

(C) There shall be no limit placed on the number of times 17355  
an applicant may retake the examination. 17356

(D) The superintendent, with the consent of the 17357  
commission, may enter into an agreement with a recognized 17358  
national testing service to administer the real estate 17359  
salesperson's examination under the superintendent's supervision 17360  
and control, consistent with the requirements of this chapter as 17361  
to the contents of the examination. 17362

If the superintendent, with the consent of the commission, 17363  
enters into an agreement with a national testing service to 17364  
administer the real estate salesperson's examination, the 17365  
superintendent may require an applicant to pay the testing 17366  
service's examination fee directly to the testing service. If 17367  
the superintendent requires the payment of the examination fee 17368  
directly to the testing service, each applicant shall submit to 17369  
the superintendent a processing fee in an amount determined by 17370  
the Ohio real estate commission pursuant to division (A) (1) of 17371  
section 4735.10 of the Revised Code. 17372

(E) The superintendent shall issue a real estate 17373  
salesperson's license when satisfied that the applicant has 17374  
received a passing score on each portion of the salesperson's 17375  
examination as determined by rule by the real estate commission, 17376  
~~except that the superintendent may waive one or more of the~~ 17377

~~requirements of this section in the case of an applicant who is~~ 17378  
~~a licensed real estate salesperson in another state pursuant to~~ 17379  
~~a reciprocity agreement with the licensing authority of the~~ 17380  
~~state from which the applicant holds a valid real estate~~ 17381  
~~salesperson's license.~~ 17382

(F) No applicant for a salesperson's license shall take 17383  
the salesperson's examination who has not established to the 17384  
satisfaction of the superintendent that the applicant: 17385

(1) Is honest, truthful, and of good reputation; 17386

(2) (a) Has not been convicted of a felony or crime of 17387  
moral turpitude or, if the applicant has been so convicted, the 17388  
superintendent has disregarded the conviction because the 17389  
applicant has proven to the superintendent, by a preponderance 17390  
of the evidence, that the applicant's activities and employment 17391  
record since the conviction show that the applicant is honest, 17392  
truthful, and of good reputation, and there is no basis in fact 17393  
for believing that the applicant again will violate the laws 17394  
involved; 17395

(b) Has not been finally adjudged by a court to have 17396  
violated any municipal, state, or federal civil rights laws 17397  
relevant to the protection of purchasers or sellers of real 17398  
estate or, if the applicant has been so adjudged, at least two 17399  
years have passed since the court decision and the 17400  
superintendent has disregarded the adjudication because the 17401  
applicant has proven, by a preponderance of the evidence, that 17402  
the applicant is honest, truthful, and of good reputation, and 17403  
there is no basis in fact for believing that the applicant again 17404  
will violate the laws involved. 17405

(3) Has not, during any period in which the applicant was 17406

licensed under this chapter, violated any provision of, or any 17407  
rule adopted pursuant to this chapter, or, if the applicant has 17408  
violated such provision or rule, has established to the 17409  
satisfaction of the superintendent that the applicant will not 17410  
again violate such provision or rule; 17411

(4) Is at least eighteen years of age; 17412

(5) If born after the year 1950, has a high school diploma 17413  
or a certificate of high school equivalence issued by the 17414  
department of education; 17415

(6) Has successfully completed at an institution of higher 17416  
education all of the following credit-eligible courses by either 17417  
classroom instruction or distance education: 17418

(a) Forty hours of instruction in real estate practice; 17419

(b) Forty hours of instruction that includes the subjects 17420  
of Ohio real estate law, municipal, state, and federal civil 17421  
rights law, new case law on housing discrimination, 17422  
desegregation issues, and methods of eliminating the effects of 17423  
prior discrimination. If feasible, the instruction in Ohio real 17424  
estate law shall be taught by a member of the faculty of an 17425  
accredited law school. If feasible, the instruction in 17426  
municipal, state, and federal civil rights law, new case law on 17427  
housing discrimination, desegregation issues, and methods of 17428  
eliminating the effects of prior discrimination shall be taught 17429  
by a staff member of the Ohio civil rights commission who is 17430  
knowledgeable with respect to those subjects. The requirements 17431  
of this division do not apply to an applicant who is admitted to 17432  
practice before the supreme court. 17433

(c) Twenty hours of instruction in real estate appraisal; 17434

(d) Twenty hours of instruction in real estate finance. 17435

(G) (1) Successful completion of the instruction required 17436  
by division (F) (6) of this section shall be determined by the 17437  
law in effect on the date the instruction was completed. 17438

(2) Division (F) (6) (c) of this section does not apply to 17439  
any new applicant who holds a valid Ohio real estate appraiser 17440  
license or certificate issued prior to the date of application 17441  
for a real estate salesperson's license. 17442

(H) Only for noncredit course offerings, an institution of 17443  
higher education shall obtain approval from the appropriate 17444  
state authorizing entity prior to offering a real estate course 17445  
that is designed and marketed as satisfying the salesperson 17446  
license education requirements of division (F) (6) of this 17447  
section. The state authorizing entity may consult with the 17448  
superintendent in reviewing the course for compliance with this 17449  
section. 17450

(I) Any person who has not been licensed as a real estate 17451  
salesperson or broker within a four-year period immediately 17452  
preceding the person's current application for the salesperson's 17453  
examination shall have successfully completed the prelicensure 17454  
instruction required by division (F) (6) of this section within a 17455  
ten-year period immediately preceding the person's current 17456  
application for the salesperson's examination. 17457

(J) Not earlier than the date of issue of a real estate 17458  
salesperson's license to a licensee, but not later than twelve 17459  
months after the date of issue of a real estate salesperson 17460  
license to a licensee, the licensee shall submit proof 17461  
satisfactory to the superintendent, on forms made available by 17462  
the superintendent, of the completion of twenty hours of 17463  
instruction that shall be completed in schools, seminars, and 17464  
educational institutions approved by the commission. The 17465



instruction shall include, but is not limited to, current 17466  
practices relating to commercial real estate, property 17467  
management, short sales, and land contracts; contract law; 17468  
federal and state programs; economic conditions; and fiduciary 17469  
responsibility. Approval of the curriculum and providers shall 17470  
be granted according to rules adopted pursuant to section 17471  
4735.10 of the Revised Code and may be taken through classroom 17472  
instruction or distance education. 17473

If proof of completion of the required instruction is not 17474  
submitted within twelve months of the date a license is issued 17475  
under this section, the licensee's license is suspended 17476  
automatically without the taking of any action by the 17477  
superintendent. The superintendent immediately shall notify the 17478  
broker with whom such salesperson is associated of the 17479  
suspension of the salesperson's license. A salesperson whose 17480  
license has been suspended under this division shall have twelve 17481  
months after the date of the suspension of the salesperson's 17482  
license to submit proof of successful completion of the 17483  
instruction required under this division. No such license shall 17484  
be reactivated by the superintendent until it is established, to 17485  
the satisfaction of the superintendent, that the requirements of 17486  
this division have been met and that the licensee is in 17487  
compliance with this chapter. A licensee's license is revoked 17488  
automatically without the taking of any action by the 17489  
superintendent when the licensee fails to submit the required 17490  
proof of completion of the education requirements under division 17491  
(I) of this section within twelve months of the date the license 17492  
is suspended. 17493

(K) Examinations shall be administered with reasonable 17494  
accommodations in accordance with the requirements of the 17495  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 17496

U.S.C. 12189. The contents of an examination shall be consistent 17497  
with the classroom instructional requirements of division (F) (6) 17498  
of this section. An applicant who has completed the classroom 17499  
instructional requirements of division (F) (6) of this section at 17500  
the time of application shall be examined no later than twelve 17501  
months after the applicant is notified of the applicant's 17502  
admission to the examination. 17503

(L) Notwithstanding any provision of this chapter to the 17504  
contrary, the superintendent shall issue a real estate 17505  
salesperson's license in accordance with section 9.79 of the 17506  
Revised Code to an applicant if either of the following applies: 17507

(1) The applicant holds a license in another state. 17508

(2) The applicant has satisfactory work experience, a 17509  
government certification, or a private certification as 17510  
described in that section as a real estate salesperson in a 17511  
state that does not issue that license. 17512

**Sec. 4735.10.** (A) (1) The Ohio real estate commission may 17513  
adopt reasonable rules in accordance with Chapter 119. of the 17514  
Revised Code, necessary for implementing the provisions of this 17515  
chapter relating, but not limited to, the following: 17516

(a) The form and manner of filing applications for 17517  
licensure; 17518

(b) Times and form of examination for license; 17519

(c) Placing an existing broker's license on deposit or a 17520  
salesperson's license on an inactive status for an indefinite 17521  
period; 17522

(d) Specifying the process by which a licensee may resign 17523  
the licensee's license; 17524

(e) Defining any additional license status that the 17525  
commission determines is necessary and that is not otherwise 17526  
defined in this chapter and establishing the process by which a 17527  
licensee places the licensee's license in a status defined by 17528  
the commission in the rules the commission adopts; 17529

(f) Clarification of the activities that require a license 17530  
under this chapter; 17531

(g) Permitting a broker to act as principal broker for 17532  
more than one brokerage. 17533

(2) The commission shall adopt reasonable rules in 17534  
accordance with Chapter 119. of the Revised Code, for 17535  
implementing the provisions of this chapter relating to the 17536  
following: 17537

(a) The issuance, renewal, suspension, and revocation of 17538  
licenses, other sanctions that may be imposed for violations of 17539  
this chapter, the conduct of hearings related to these actions, 17540  
and the process of reactivating a license; 17541

(b) A three-year license and a three-year license renewal 17542  
system; 17543

(c) Standards for the approval of the postlicensure 17544  
courses as required by division (G) of section 4735.07 and 17545  
division (J) of section 4735.09 of the Revised Code, courses of 17546  
study required for licenses, courses offered in preparation for 17547  
license examinations, or courses required as continuing 17548  
education for licenses. 17549

(d) Guidelines to ensure that continuing education classes 17550  
are open to all persons licensed under this chapter. The rules 17551  
shall specify that an organization that sponsors a continuing 17552  
education class may offer its members a reasonable reduction in 17553

the fees charged for the class. 17554

(e) Requirements for trust accounts and property 17555  
management accounts. The rules shall specify that: 17556

(i) Brokerages engaged in the management of property for 17557  
another may, pursuant to a written contract with the property 17558  
owner, exercise signatory authority for withdrawals from 17559  
property management accounts maintained in the name of the 17560  
property owner. The exercise of authority for withdrawals does 17561  
not constitute a violation of any provision of division (A) of 17562  
section 4735.18 of the Revised Code. 17563

(ii) The interest earned on property management trust 17564  
accounts maintained in the name of the property owner or the 17565  
broker shall be payable to the property owner unless otherwise 17566  
specified in a written contract. 17567

(f) Notice of renewal forms and filing deadlines; 17568

(g) Special assessments under division (A) of section 17569  
4735.12 of the Revised Code. 17570

(B) The commission may adopt rules in accordance with 17571  
Chapter 119. of the Revised Code establishing standards and 17572  
guidelines with which the superintendent of real estate shall 17573  
comply in the exercise of the following powers: 17574

(1) Appointment and recommendation of ancillary trustees 17575  
under section 4735.05 of the Revised Code; 17576

(2) Rejection of names proposed to be used by 17577  
partnerships, associations, limited liability companies, limited 17578  
liability partnerships, and corporations, under division (B) of 17579  
section 4735.06 of the Revised Code, including procedures for 17580  
the application and approval of more than one trade name for a 17581

brokerage; 17582

(3) Acceptance and rejection of applications to take the 17583  
broker and salesperson examinations and licensure, ~~with~~ 17584  
~~appropriate waivers pursuant to division (E) of section 4735.07~~ 17585  
~~and section 4735.09 of the Revised Code;~~ 17586

(4) Approval of applications of brokers to place their 17587  
licenses in an inactive status and to become salespersons under 17588  
section 4735.13 of the Revised Code; 17589

(5) Appointment of hearing examiners under section 119.09 17590  
of the Revised Code; 17591

(6) Acceptance and rejection of applications to take the 17592  
foreign real estate dealer and salesperson examinations and 17593  
licensure, with waiver of examination, under sections 4735.27 17594  
and 4735.28 of the Revised Code; 17595

(7) Qualification of foreign real estate under section 17596  
4735.25 of the Revised Code. 17597

If at any time there is no rule in effect establishing a 17598  
guideline or standard required by this division, the 17599  
superintendent may adopt a rule in accordance with Chapter 119. 17600  
of the Revised Code for such purpose. 17601

(C) The commission or superintendent may hear testimony in 17602  
matters relating to the duties imposed upon them, and the 17603  
president of the commission and superintendent may administer 17604  
oaths. The commission or superintendent may require other proof 17605  
of the honesty, truthfulness, and good reputation of any person 17606  
named in an application for a real estate broker's or real 17607  
estate salesperson's license before admitting the applicant to 17608  
the examination or issuing a license. 17609

**Sec. 4735.27.** (A) An application to act as a foreign real estate dealer shall be in writing and filed with the superintendent of real estate. It shall be in the form the superintendent prescribes and shall contain the following information:

(1) The name and address of the applicant;

(2) A description of the applicant, including, if the applicant is a partnership, unincorporated association, or any similar form of business organization, the names and the residence and business addresses of all partners, officers, directors, trustees, or managers of the organization, and the limitation of the liability of any partner or member; and if the applicant is a corporation, a list of its officers and directors, and the residence and business addresses of each, and, if it is a foreign corporation, a copy of its articles of incorporation in addition;

(3) The location and addresses of the principal office and all other offices of the applicant;

(4) A general description of the business of the applicant prior to the application, including a list of states in which the applicant is a licensed foreign real estate dealer;

(5) The names and addresses of all salespersons of the applicant at the date of the application;

(6) The nature of the business of the applicant, and its places of business, for the ten-year period preceding the date of application.

(B) Every nonresident applicant shall name a person within this state upon whom process against the applicant may be served and shall give the complete residence and business address of

the person designated. Every applicant shall file an irrevocable  
written consent, executed and acknowledged by an individual duly  
authorized to give such consent, that actions growing out of a  
fraud committed by the applicant in connection with the sale in  
this state of foreign real estate may be commenced against it,  
in the proper court of any county in this state in which a cause  
of action for such fraud may arise or in which the plaintiff in  
such action may reside, by serving on the secretary of state any  
proper process or pleading authorized by the laws of this state,  
in the event that the applicant if a resident of this state, or  
the person designated by the nonresident applicant, cannot be  
found at the address given. The consent shall stipulate that the  
service of process on the secretary of state shall be taken in  
all courts to be as valid and binding as if service had been  
made upon the foreign real estate dealer. If the applicant is a  
corporation or an unincorporated association, the consent shall  
be accompanied by a certified copy of the resolution of the  
board of directors, trustees, or managers of the corporation or  
association, authorizing such individual to execute the consent.

(C) The superintendent may investigate any applicant for a  
dealer's license, and may require any additional information the  
superintendent considers necessary to determine the business  
repute and qualifications of the applicant to act as a foreign  
real estate dealer. If the application for a dealer's license  
involves investigation outside this state, the superintendent  
may require the applicant to advance sufficient funds to pay any  
of the actual expenses of the investigation, and an itemized  
statement of such expense shall be furnished to the applicant.

(D) Every applicant shall take a written examination,  
prescribed and conducted by the superintendent, which covers the  
applicant's knowledge of the principles of real estate practice,

real estate law, financing and appraisal, real estate 17670  
transactions and instruments relating to them, canons of 17671  
business ethics relating to real estate transactions, and the 17672  
duties of foreign real estate dealers and salespersons. The fee 17673  
for the examination, when administered by the superintendent, is 17674  
one hundred one dollars. If the applicant does not appear for 17675  
the examination, the fee shall be forfeited and a new 17676  
application and fee shall be filed, unless good cause for the 17677  
failure to appear is shown to the superintendent. ~~The~~ 17678  
~~requirement of an examination may be waived in whole or in part~~ 17679  
~~by the superintendent if an applicant is licensed as a real~~ 17680  
~~estate broker by any state.~~ 17681

Any applicant who fails the examination twice shall wait 17682  
six months before applying to retake the examination. 17683

(E) No person shall take the foreign real estate dealer's 17684  
examination who has not established to the satisfaction of the 17685  
superintendent that the person: 17686

(1) Has not been convicted of a felony or a crime of moral 17687  
turpitude or, if the applicant has been so convicted, the 17688  
superintendent has disregarded the conviction because the 17689  
applicant has proven to the superintendent, by a preponderance 17690  
of the evidence, that the applicant's activities and employment 17691  
record since the conviction show that the applicant is honest, 17692  
truthful, and of good reputation, and there is no basis in fact 17693  
for believing that the applicant again will violate the laws 17694  
involved; 17695

(2) Has not been finally adjudged by a court to have 17696  
violated any municipal, state, or federal civil rights laws 17697  
relevant to the protection of purchasers or sellers of real 17698  
estate or, if the applicant has been so adjudged, at least two 17699



years have passed since the court decision and the 17700  
superintendent has disregarded the adjudication because the 17701  
applicant has proven, by a preponderance of the evidence, that 17702  
the applicant's activities and employment record since the 17703  
adjudication show that the applicant is honest, truthful, and of 17704  
good reputation, and there is no basis in fact for believing 17705  
that the applicant again will violate the laws involved; 17706

(3) Has not, during any period for which the applicant was 17707  
licensed under this chapter or any former section of the Revised 17708  
Code applicable to licensed foreign real estate dealers or 17709  
salespersons, violated any provision of, or any rule adopted 17710  
pursuant to, this chapter or that section, or, if the applicant 17711  
has violated any such provision or rule, has established to the 17712  
satisfaction of the superintendent that the applicant will not 17713  
again violate the provision or rule. 17714

(F) ~~If Except as provided in division (H) of this section,~~ 17715  
if the superintendent finds that an applicant for a license as a 17716  
foreign real estate dealer, or each named member, manager, or 17717  
officer of a partnership, association, or corporate applicant is 17718  
at least eighteen years of age, is of good business repute, has 17719  
passed the examination required under this section ~~or has had~~ 17720  
~~the requirement of an examination waived~~, and appears otherwise 17721  
qualified, the superintendent shall issue a license to the 17722  
applicant to engage in business in this state as a foreign real 17723  
estate dealer. Dealers licensed pursuant to this section shall 17724  
employ as salespersons of foreign real estate only persons 17725  
licensed pursuant to section 4735.28 of the Revised Code. If at 17726  
any time such salespersons resign or are discharged or new 17727  
salespersons are added, the dealer forthwith shall notify the 17728  
superintendent and shall file with the division of real estate 17729  
the names and addresses of new salespersons. 17730

(G) If the applicant merely is renewing the applicant's  
license for the previous year, the application need contain only  
the information required by divisions (A) (2), (3), and (6) of  
this section.

(H) The superintendent shall issue a license to engage in  
business in this state as a foreign real estate dealer in  
accordance with section 9.79 of the Revised Code to an applicant  
if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a  
government certification, or a private certification as  
described in that section as a foreign real estate dealer in a  
state that does not issue that license.

**Sec. 4735.28.** (A) An application to act as a foreign real  
estate salesperson shall be in writing and filed with the  
superintendent of real estate. It shall be in the form the  
superintendent prescribes and shall contain the following  
information:

(1) The name and complete residence and business addresses  
of the applicant;

(2) The name of the foreign real estate dealer who is  
employing the applicant or who intends to employ the applicant;

(3) The age and education of the applicant, and the  
applicant's experience in the sale of foreign real estate;  
whether the applicant has ever been licensed by the  
superintendent, and if so, when; whether the applicant has ever  
been refused a license by the superintendent; and whether the  
applicant has ever been licensed or refused a license or any  
similar permit by any division or superintendent of real estate,

by whatsoever name known or designated, anywhere; 17760

(4) The nature of the employment, and the names and 17761  
addresses of the employers, of the applicant for the period of 17762  
ten years immediately preceding the date of the application. 17763

(B) Every applicant shall take a written examination, 17764  
prescribed and conducted by the superintendent, which covers the 17765  
applicant's knowledge of the principles of real estate practice, 17766  
real estate law, financing and appraisal, real estate 17767  
transactions and instruments relating to them, canons of 17768  
business ethics relating to real estate transactions, and the 17769  
duties of foreign real estate salespersons. The fee for the 17770  
examination, when administered by the superintendent, is sixty- 17771  
eight dollars. If the applicant does not appear for the 17772  
examination, the fee shall be forfeited and a new application 17773  
and fee shall be filed, unless good cause for the failure to 17774  
appear is shown to the superintendent. ~~The requirement of an~~ 17775  
~~examination may be waived in whole or in part by the~~ 17776  
~~superintendent if an applicant is licensed as a real estate~~ 17777  
~~broker or salesperson by any state.~~ 17778

Any applicant who fails the examination twice shall wait 17779  
six months before applying to retake the examination. 17780

(C) No person shall take the foreign real estate 17781  
salesperson's examination who has not established to the 17782  
satisfaction of the superintendent that the person: 17783

(1) Has not been convicted of a felony or a crime of moral 17784  
turpitude or, if the applicant has been so convicted, the 17785  
superintendent has disregarded the conviction because the 17786  
applicant has proven to the superintendent, by a preponderance 17787  
of the evidence, that the applicant's activities and employment 17788

record since the conviction show that the applicant is honest, 17789  
truthful, and of good reputation, and there is no basis in fact 17790  
for believing that the applicant again will violate the laws 17791  
involved; 17792

(2) Has not been finally adjudged by a court to have 17793  
violated any municipal, state, or federal civil rights laws 17794  
relevant to the protection of purchasers or sellers of real 17795  
estate or, if the applicant has been so adjudged, at least two 17796  
years have passed since the court decision and the 17797  
superintendent has disregarded the adjudication because the 17798  
applicant has proven, by a preponderance of the evidence, that 17799  
the applicant's activities and employment record since the 17800  
adjudication show that the applicant is honest, truthful, and of 17801  
good reputation, and there is no basis in fact for believing 17802  
that the applicant will again violate the laws; 17803

(3) Has not, during any period for which the applicant was 17804  
licensed under this chapter or any former section of the Revised 17805  
Code applicable to licensed foreign real estate dealers or 17806  
salespersons, violated any provision of, or any rule adopted 17807  
pursuant to, this chapter or that section, or, if the applicant 17808  
has violated any such provision or rule, has established to the 17809  
satisfaction of the superintendent that the applicant will not 17810  
again violate the provision or rule. 17811

(D) Every salesperson of foreign real estate shall be 17812  
licensed by the superintendent of real estate and shall be 17813  
employed only by the licensed foreign real estate dealer 17814  
specified on the salesperson's license. 17815

(E) If the superintendent finds that the applicant is of 17816  
good business repute, appears to be qualified to act as a 17817  
foreign real estate salesperson, and has fully complied with the 17818

provisions of this chapter, and that the dealer in the 17819  
application is a licensed foreign real estate dealer, the 17820  
superintendent, upon payment of the fees prescribed by section 17821  
4735.15 of the Revised Code, shall issue a license to the 17822  
applicant authorizing the applicant to act as a salesperson for 17823  
the dealer named in the application. 17824

(F) The superintendent shall issue a license to act as a 17825  
salesperson of foreign real estate in accordance with section 17826  
9.79 of the Revised Code to an applicant if either of the 17827  
following applies: 17828

(1) The applicant holds a license in another state. 17829

(2) The applicant has satisfactory work experience, a 17830  
government certification, or a private certification as 17831  
described in that section as acting as a salesperson of foreign 17832  
real estate in a state that does not issue that license. 17833

**Sec. 4736.10.** ~~Any~~ (A) Except as provided in division (B) 17834  
of this section, any person who meets the educational 17835  
qualifications of division (A), (B), or (C) of section 4736.08 17836  
of the Revised Code, but does not meet the experience 17837  
requirement of such division may make application to the 17838  
director of health on a form prescribed by the director for 17839  
registration as a sanitarian-in-training. The director shall 17840  
register such person as a sanitarian-in-training upon payment of 17841  
the fee required by section 4736.12 of the Revised Code, if the 17842  
person passes any examination which the director may require for 17843  
registration as a sanitarian-in-training. Any such examination 17844  
shall be conducted in the same manner as the examination 17845  
required for registration as a sanitarian under section 4736.09 17846  
of the Revised Code. 17847

(B) The director shall issue a sanitarian-in-training registration in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies: 17848  
17849  
17850

(1) The applicant holds a license or registration in another state. 17851  
17852

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a sanitarian-in-training in a state that does not issue that license or registration. 17853  
17854  
17855  
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(C) A sanitarian-in-training shall apply for registration as a sanitarian within three years after registration as a sanitarian-in-training. The director may extend the registration of any sanitarian-in-training who furnishes, in writing, sufficient cause for not applying for registration as a sanitarian within the three-year period. 17857  
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**Sec. 4736.14.** ~~The director of health may, upon application and proof of valid registration,~~ shall issue a certificate of registration in accordance with section 9.79 of the Revised Code to any a person who if either of the following applies: 17863  
17864  
17865  
17866

(A) The person is or has been registered as a sanitarian by any other state, if the requirements of that state at the time of such registration are determined by the director to be at least equivalent to the requirements of this chapter. 17867  
17868  
17869  
17870

(B) The person has satisfactory work experience, a government certification, or a private certification as described in that section as a sanitarian in a state that does not issue that certificate of registration. 17871  
17872  
17873  
17874

**Sec. 4740.08.** ~~When a written reciprocity agreement between the states exists, and an individual who is registered,~~ 17875  
17876

~~licensed, or certified in another state applies to the~~ 17877  
~~appropriate specialty section of the Ohio construction industry~~ 17878  
~~licensing board submits a copy of the reciprocity agreement, and~~ 17879  
~~pays the licensure fee determined pursuant to section 4740.09 of~~ 17880  
~~the Revised Code, the appropriate specialty section of the board~~ 17881  
~~shall authorize the administrative section to issue, without~~ 17882  
~~examination, a license to that individual if the appropriate~~ 17883  
~~specialty section of the board determines, pursuant to rules it~~ 17884  
~~adopts, that the requirements for registration, licensure, or~~ 17885  
~~certification under the laws of the other state are~~ 17886  
~~substantially equal to the requirements for licensure in this~~ 17887  
~~state and that the other state extends similar reciprocity to~~ 17888  
~~persons licensed under this chapter. The appropriate specialty~~ 17889  
~~section of the Ohio construction industry licensing board may~~ 17890  
~~withdraw its authorization to the administrative section for~~ 17891  
~~issuance of a license for good cause prior to the administrative~~ 17892  
~~section's issuance of the license shall grant a license in~~ 17893  
~~accordance with section 9.79 of the Revised Code to an applicant~~ 17894  
~~if either of the following applies:~~ 17895

(A) The applicant holds a license in another state. 17896

(B) The applicant has satisfactory work experience, a 17897  
government certification, or a private certification as 17898  
described in that section for performing work in a licensed 17899  
trade in a state that does not issue that license. 17900

**Sec. 4741.12.** (A) The state veterinary medical licensing 17901  
board shall issue a license to practice veterinary medicine in 17902  
accordance with section 9.79 of the Revised Code to an applicant 17903  
if either of the following applies: 17904

(1) The applicant holds a license in another state. 17905

(2) The applicant has satisfactory work experience, a 17906  
government certification, or a private certification as 17907  
described in that section in the practice of veterinary medicine 17908  
in a state that does not issue that license. 17909

(B) The board may issue a license to practice veterinary 17910  
medicine without the examination required pursuant to section 17911  
4741.11 of the Revised Code to an applicant from another ~~state,~~ 17912  
~~territory, country, or the District of Columbia~~ who furnishes 17913  
satisfactory proof to the board that the applicant meets all of 17914  
the following criteria: 17915

~~(A)~~ (1) The applicant is a graduate of a veterinary college 17916  
accredited by the American veterinary medical association or 17917  
holds a certificate issued, on or after May 1, 1987, by the 17918  
education commission for foreign veterinary graduates of the 17919  
American veterinary medical association or issued by any other 17920  
nationally recognized certification program the board approves 17921  
by rule. 17922

~~(B)~~ (2) The applicant holds a license, which is not under 17923  
suspension, revocation, or other disciplinary action, issued by 17924  
an agency similar to this board of another ~~state, territory,~~ 17925  
~~country, or the District of Columbia,~~ having requirements 17926  
equivalent to those of this state, provided the laws of such 17927  
~~state, territory, country, or district~~ accord equal rights to 17928  
the holder of a license to practice in this state who removes to 17929  
such ~~state, territory, country, or district.~~ 17930

~~(C)~~ (3) The applicant is of good moral character, as 17931  
determined by the board. 17932

~~(D)~~ (4) The applicant is not under investigation for an act 17933  
which would constitute a violation of this chapter that would 17934



require the revocation of or refusal to renew a license. 17935

~~(E)~~ (5) The applicant has a thorough knowledge of the laws 17936  
and rules governing the practice of veterinary medicine in this 17937  
state, as determined by the board. 17938

**Sec. 4741.13.** The state veterinary medical licensing board 17939  
may issue a limited license to practice veterinary medicine to 17940  
an individual whose sole professional capacity is with a 17941  
veterinary academic institution or veterinary technology 17942  
institution recognized by the board in accordance with rules the 17943  
board adopts or with a government diagnostic laboratory. A 17944  
person holding a limited license is authorized to engage in the 17945  
practice of veterinary medicine only to the extent necessary to 17946  
fulfill the person's employment or educational obligations as an 17947  
instructor, researcher, diagnostician, intern, resident in a 17948  
veterinary specialty, or graduate student. 17949

The board may issue a limited license to an applicant who 17950  
submits a completed application on a form prescribed by the 17951  
board, pays the applicable fee prescribed in section 4741.17 of 17952  
the Revised Code, and meets the criteria established by the 17953  
board. The board shall not require an individual issued a 17954  
limited license under this section to obtain a license under 17955  
section 9.79 of the Revised Code. 17956

**Sec. 4741.14.** The state veterinary medical licensing board 17957  
may issue, without the examination required pursuant to section 17958  
4741.11 of the Revised Code, a temporary permit to practice 17959  
veterinary medicine to a veterinarian holding a license which is 17960  
not revoked, suspended, expired, or under any restrictions and 17961  
is otherwise in good standing from another state, territory, or 17962  
the District of Columbia, provided that a veterinarian who holds 17963  
a current license in this state applies for the temporary permit 17964

for the veterinarian. The board shall not require a veterinarian 17965  
issued a temporary permit under this section to obtain a license 17966  
under section 9.79 of the Revised Code. 17967

A temporary permit issued pursuant to this section only 17968  
authorizes the permit holder to act as a veterinary consultant 17969  
or to provide veterinary medical services in this state for a 17970  
specific animal or animals. When using the services of a 17971  
veterinary consultant, the responsibility for the care and 17972  
treatment of the patient remains with the veterinarian who holds 17973  
a current license in this state and who is providing treatment, 17974  
or consultation as to treatment, to the patient. The board shall 17975  
determine by rule the specific purposes for which it may issue a 17976  
temporary permit and the duration of the permit, not to exceed 17977  
six months, under rules it adopts pursuant to Chapter 119. of 17978  
the Revised Code. No more than two temporary permits may be 17979  
issued pursuant to this section to any one applicant. Any 17980  
subsequent applications shall be made pursuant to section 17981  
4741.12 of the Revised Code. 17982

**Sec. 4741.15.** (A) A person who has done both of the 17983  
following may submit an application to the state veterinary 17984  
medical licensing board for a provisional veterinary graduate 17985  
license: 17986

(1) Graduated from a veterinary college approved by the 17987  
board; 17988

(2) Applied for and is waiting to take a nationally 17989  
recognized examination approved by the board for a license to 17990  
practice veterinary medicine. 17991

The application shall be on a form that the board 17992  
prescribes and shall contain any information that the board 17993

requires together with a letter or letters of recommendation 17994  
from a licensed veterinarian or veterinarians who will be 17995  
directly supervising and responsible for the applicant as 17996  
provided in division (C) of this section. The applicant shall 17997  
include with the application the fee established in section 17998  
4741.17 of the Revised Code. 17999

(B) The board may issue a provisional veterinary graduate 18000  
license to an applicant who has satisfied the requirements 18001  
established in division (A) of this section. The board shall 18002  
issue a provisional veterinary graduate license in accordance 18003  
with section 9.79 of the Revised Code to an applicant if the 18004  
applicant holds a license in another state or has satisfactory 18005  
work experience, a government certification, or a private 18006  
certification as described in that section in performing or 18007  
assisting in medical treatments, diagnoses, and surgeries under 18008  
veterinary supervision in a state that does not issue that 18009  
license. A provisional veterinary graduate license is valid for 18010  
six months following the date of its issuance and is not 18011  
renewable. 18012

(C) A person who holds a provisional veterinary graduate 18013  
license may perform or assist in medical treatments, diagnosis, 18014  
and surgery on a patient only under the direct veterinary 18015  
supervision of the veterinarian or veterinarians who provided 18016  
the letter or letters of recommendation accompanying the 18017  
person's application under division (A) of this section and may 18018  
engage in other duties related to the practice of veterinary 18019  
medicine only under veterinary supervision. 18020

(D) No person who holds a provisional veterinary graduate 18021  
license shall be represented, explicitly or implicitly, as being 18022  
a licensed veterinarian. 18023

(E) The board may revoke a provisional veterinary graduate license if the person who holds the license violates division (C) or (D) of this section.

**Sec. 4741.19.** (A) Unless exempted under this chapter, no person shall practice veterinary medicine, or any of its branches, without a license or limited license issued by the state veterinary medical licensing board pursuant to sections 4741.11 to 4741.13 of the Revised Code, a temporary permit issued pursuant to section 4741.14 of the Revised Code, or a registration certificate issued pursuant to division (C) of this section, or with an inactive, expired, suspended, terminated, or revoked license, temporary permit, or registration.

(B) No veterinary student shall:

(1) Perform or assist surgery unless under direct veterinary supervision and unless the student has had the minimum education and experience prescribed by rule of the board;

(2) Engage in any other work related to the practice of veterinary medicine unless under veterinary supervision;

(3) Participate in the operation of a branch office, clinic, or allied establishment unless a licensed veterinarian is present on the establishment premises.

(C) No person shall act as a registered veterinary technician unless the person is registered with the board on a biennial basis and pays the biennial registration fee. A registered veterinary technician registration expires biennially on the first day of March in the odd-numbered years and may be renewed in accordance with the standard renewal procedures contained in Chapter 4745. of the Revised Code upon payment of

the biennial registration fee and fulfillment of ten continuing 18053  
education hours during the two years immediately preceding 18054  
renewal for registration. Each registered veterinary technician 18055  
shall notify in writing the executive director of the board of 18056  
any change in the registered veterinary technician's office 18057  
address or employment within ninety days after the change has 18058  
taken place. 18059

(1) A registered veterinary technician operating under 18060  
veterinary supervision may perform the following duties: 18061

(a) Prepare or supervise the preparation of patients, 18062  
instruments, equipment, and medications for surgery; 18063

(b) Collect or supervise the collection of specimens and 18064  
perform laboratory procedures as required by the supervising 18065  
veterinarian; 18066

(c) Apply wound dressings, casts, or splints as required 18067  
by the supervising veterinarian; 18068

(d) Assist a veterinarian in immunologic, diagnostic, 18069  
medical, and surgical procedures; 18070

(e) Suture skin incisions; 18071

(f) Administer or supervise the administration of topical, 18072  
oral, or parenteral medication under the direction of the 18073  
supervising veterinarian; 18074

(g) Other ancillary veterinary technician functions that 18075  
are performed pursuant to the order and control and under the 18076  
full responsibility of a licensed veterinarian. 18077

(h) Any additional duties as established by the board in 18078  
rule. 18079

(2) A registered veterinary technician operating under 18080  
direct veterinary supervision may perform all of the following: 18081

(a) Induce and monitor general anesthesia according to 18082  
medically recognized and appropriate methods; 18083

(b) Dental prophylaxis, periodontal care, and extraction 18084  
not involving sectioning of teeth or resection of bone or both 18085  
of these; 18086

(c) Equine dental procedures, including the floating of 18087  
molars, premolars, and canine teeth; removal of deciduous teeth; 18088  
and the extraction of first premolars or wolf teeth. 18089

The degree of supervision by a licensed veterinarian over 18090  
the functions performed by the registered veterinary technician 18091  
shall be consistent with the standards of generally accepted 18092  
veterinary medical practices. 18093

(3) The board shall issue a registration to be a 18094  
veterinary technician in accordance with section 9.79 of the 18095  
Revised Code to an applicant if either of the following applies: 18096

(a) The applicant holds a similar registration or license 18097  
in another state. 18098

(b) The applicant has satisfactory work experience, a 18099  
government certification, or a private certification as 18100  
described in that section as a veterinary technician in a state 18101  
that does not issue that registration or license. 18102

(D) A veterinarian licensed to practice in this state 18103  
shall not present the person's self as or state a claim that the 18104  
person is a specialist unless the veterinarian has previously 18105  
met the requirements for certification by a specialty 18106  
organization recognized by the American board of veterinary 18107

specialties for a specialty or such other requirements set by 18108  
rule of the board and has paid the fee required by division (A) 18109  
(10) of section 4741.17 of the Revised Code. 18110

The board shall issue a certification as a veterinary 18111  
specialist in accordance with section 9.79 of the Revised Code 18112  
to an applicant if the applicant holds a certification as a 18113  
specialist in another state or has satisfactory work experience, 18114  
a government certification, or a private certification as 18115  
described in that section as a veterinary specialist in a state 18116  
that does not issue that certification. 18117

(E) Notwithstanding division (A) of this section, any 18118  
animal owner or the owner's designee may engage in the practice 18119  
of embryo transfer on the owner's animal if a licensed 18120  
veterinarian directly supervises the owner or the owner's 18121  
designee and the means used to perform the embryo transfer are 18122  
nonsurgical. 18123

(F) Allied medical support may assist a licensed 18124  
veterinarian to the extent to which the law that governs the 18125  
individual providing the support permits, if all of the 18126  
following apply: 18127

(1) A valid veterinary-client-patient-relationship exists. 18128

(2) The individual acts under direct veterinary 18129  
supervision. 18130

(3) The allied medical support individual receives 18131  
informed, written, client consent. 18132

(4) The veterinarian maintains responsibility for the 18133  
patient and keeps the patient's medical records. 18134

The board may inspect the facilities of an allied medical 18135

support individual in connection with an investigation based on 18136  
a complaint received in accordance with section 4741.26 of the 18137  
Revised Code involving that individual. 18138

**Sec. 4743.04.** (A) The renewal of a license or other 18139  
authorization to practice a trade or profession issued under 18140  
Title XLVII of the Revised Code is subject to the provisions of 18141  
section 5903.10 of the Revised Code relating to service in the 18142  
armed forces. 18143

(B) Continuing education requirements applicable to the 18144  
licensees under Title XLVII of the Revised Code are subject to 18145  
the provisions of section 5903.12 of the Revised Code relating 18146  
to active duty military service. 18147

(C) ~~A department, agency, or office of any political~~ 18148  
~~subdivision of this state that issues a license or certificate~~ 18149  
~~to practice a trade or profession may, pursuant to rules adopted~~ 18150  
~~by the department, agency, or office, issue a temporary license~~ 18151  
~~or certificate to practice the trade or profession to a person~~ 18152  
~~whose spouse is on active military duty in this state.~~ 18153

~~(D)~~ A department, agency, or office of this state that 18154  
issues a license or certificate to practice a trade or 18155  
profession shall issue a temporary license or certificate to 18156  
practice the trade or profession as provided in section 4743.041 18157  
of the Revised Code. 18158

~~(E)~~ (D) The issuance of a license or other authorization 18159  
to practice a trade or profession issued under Title XLVII of 18160  
the Revised Code is subject to the provisions of section 5903.03 18161  
of the Revised Code relating to service in the armed forces. 18162

**Sec. 4743.041.** (A) As used in this section: 18163

"Active guard and reserve" has the meaning defined in 10 18164



U.S.C. 101. 18165

"Military duty" includes service in the uniformed services 18166  
on active duty, in the active guard and reserve, and as a 18167  
military technician dual status under 10 U.S.C. 10216. 18168

"Uniformed services" has the meaning defined in 10 U.S.C. 18169  
101. 18170

(B) Pursuant to division ~~(D)~~ (C) of section 4743.04 of the 18171  
Revised Code, a department, agency, or office of this state 18172  
shall issue a temporary license or certificate to practice a 18173  
trade or profession to an individual, provided that all of the 18174  
following qualifications are met: 18175

(1) The individual holds a valid license or certificate to 18176  
practice the trade or profession issued by any other state or 18177  
jurisdiction; 18178

(2) The individual is in good standing in the state or 18179  
jurisdiction of licensure or certification; 18180

(3) The individual presents adequate proof to the 18181  
department, agency, or office of this state that the individual 18182  
or the individual's spouse is on military duty in this state; 18183  
and 18184

(4) The individual complies with sections 4776.01 to 18185  
4776.04 of the Revised Code if a department, agency, or office 18186  
of this state requires an applicant under the law governing the 18187  
applicable trade or profession to submit to a criminal records 18188  
check to receive a license or certificate. 18189

(C) A department, agency, or office of this state may, 18190  
under this section, issue a regular license or certificate in 18191  
lieu of issuing a temporary license or certificate, provided 18192

that the applicant meets the requirements of this section, and 18193  
provided that the regular license is issued by the deadline 18194  
specified in division (D) of this section. 18195

(D) If the department, agency, or office of this state 18196  
requires an individual under the law governing the applicable 18197  
trade or profession to submit to a criminal records check to 18198  
receive a license or certificate, and the individual applies for 18199  
a license or certificate under this section, the department, 18200  
agency, or office of this state shall, within twenty-four hours 18201  
after receiving the report under division (A) of section 4776.04 18202  
of the Revised Code, notify the applicant that the department, 18203  
agency, or office of this state has received the results of a 18204  
criminal records check. A department, agency, or office of this 18205  
state shall issue a temporary license or certificate or a 18206  
regular license under this section, provided that the applicant 18207  
meets the requirements of this section, within thirty days of 18208  
having received an application, or, if the applicant is subject 18209  
to a criminal records check, within fourteen days of having 18210  
received the results of a criminal records check. If the 18211  
department, agency, or office of this state finds that the 18212  
individual is under investigation by the licensing agency of any 18213  
other state or jurisdiction, the department, agency, or office 18214  
of this state may postpone issuing the license or certificate 18215  
until the investigation is complete and the licensing agency of 18216  
the other state or jurisdiction confirms that the individual is 18217  
in good standing. The department, agency, or office of this 18218  
state shall verify the standing of the license or certificate 18219  
issued by another state or jurisdiction when the temporary 18220  
license is up for renewal. No temporary license shall be valid 18221  
for a period of more than six years. 18222

(E) A department, agency, or office of this state shall, 18223

in accordance with Chapter 119. of the Revised Code, deny an 18224  
individual a temporary license or certificate issued under this 18225  
section or revoke an individual's temporary license or 18226  
certificate issued under this section if any of the following 18227  
circumstances occur: 18228

(1) The individual's license or certificate issued by 18229  
another state or jurisdiction expires or is revoked, or the 18230  
individual is not in good standing; 18231

(2) With respect to an individual who was eligible for a 18232  
temporary license under this section as the spouse of an 18233  
individual on military duty, six months have elapsed since the 18234  
divorce, dissolution, or annulment of the marriage; 18235

(3) The individual is disqualified from obtaining a 18236  
license in the trade or profession because of a conviction, 18237  
judicial finding of guilt, or plea of guilty to a disqualifying 18238  
criminal offense specified on the list the department, agency, 18239  
or office of this state makes available pursuant to division (C) 18240  
of section 9.78 of the Revised Code. 18241

(F) An individual with a temporary license or certificate 18242  
or a regular license issued under this section may practice the 18243  
trade or profession in this state only within the scope and 18244  
practice that is permitted under Ohio law and that does not 18245  
exceed the individual's training. 18246

(G) Notwithstanding any other provision of the Revised 18247  
Code, a department, agency, or office of this state shall waive 18248  
all fees associated with the issuance of a temporary license or 18249  
certificate issued under this section. 18250

(H) Each department, agency, or office of this state that 18251  
issues a license or certificate to practice a trade or 18252

profession shall adopt rules under Chapter 119. of the Revised 18253  
Code as necessary to implement this section. 18254

(I) Each department, agency, or office of this state that 18255  
issues a license or certificate to practice a trade or 18256  
profession, shall, upon the conclusion of the state fiscal year, 18257  
prepare a report on the number and type of temporary licenses or 18258  
certificates that were issued during the fiscal year under this 18259  
section. The report shall be provided to the director of 18260  
veterans services not later than thirty days after the end of 18261  
the fiscal year. The director shall compile the reports and make 18262  
them available to the public. 18263

(J) A license or certificate issued under this section 18264  
shall be considered a license issued under the laws regulating 18265  
the practice of the applicable occupation or profession in this 18266  
state. Provisions of law applicable to a license issued to an 18267  
applicant who does not obtain a license under this section apply 18268  
in the same manner to licenses issued under this section. 18269

(K) Section 9.79 of the Revised Code does not apply to a 18270  
license or certificate issued under this section. 18271

(L) A department, agency, or office of this state shall 18272  
not require an individual who meets the requirements of this 18273  
section to apply for the license or certificate under section 18274  
9.79 of the Revised Code. However, the individual may elect to 18275  
apply for the license or certificate under section 9.79 of the 18276  
Revised Code. 18277

**Sec. 4747.04.** (A) The state speech and hearing 18278  
professionals board shall: 18279

(1) Establish the nature and scope of qualifying 18280  
examinations in accordance with section 4747.08 of the Revised 18281

Code; 18282

(2) Determine whether persons holding similar valid 18283  
licenses from other ~~states or jurisdictions~~ other than other 18284  
states shall be required to take and successfully pass the 18285  
appropriate qualifying examination as a condition for licensing 18286  
in this state; 18287

(3) Review complaints and conduct investigations in 18288  
accordance with section 4747.13 of the Revised Code and hold any 18289  
hearings that are necessary to carry out this chapter; 18290

(4) Determine and specify the length of time each license 18291  
that is suspended or revoked shall remain suspended or revoked; 18292

(5) Deposit all payments collected under this chapter into 18293  
the state treasury to the credit of the occupational licensing 18294  
and regulatory fund created in section 4743.05 of the Revised 18295  
Code; 18296

(6) Establish a list of disqualifying offenses for 18297  
licensure as a hearing aid dealer or fitter, or for a hearing 18298  
aid dealer or fitter trainee permit, pursuant to sections 18299  
4747.05, 4747.10, 4747.12, and 4776.10 of the Revised Code. 18300

(B) The board shall adopt reasonable rules, in accordance 18301  
with Chapter 119. of the Revised Code, necessary for the 18302  
administration of this chapter. The board shall include all of 18303  
the following in those rules: 18304

(1) The amount of any fees required under this chapter; 18305

(2) The information to be included in a hearing aid 18306  
receipt provided by a licensed hearing aid dealer or fitter to a 18307  
person under section 4747.09 of the Revised Code; 18308

(3) The amount of time a licensed hearing aid dealer or 18309

fitter or trainee permit holder has to provide the notice of a 18310  
change in address or addresses required under section 4747.11 of 18311  
the Revised Code and any other requirements relating to the 18312  
notice; 18313

(4) Any additional conduct for which the board may 18314  
discipline a licensee or permit holder under section 4747.12 of 18315  
the Revised Code. 18316

(C) Nothing in this section shall be interpreted as 18317  
granting to the board the right to restrict advertising which is 18318  
not false or misleading, or to prohibit or in any way restrict a 18319  
hearing aid dealer or fitter from renting or leasing space from 18320  
any person, firm or corporation in a mercantile establishment 18321  
for the purpose of using such space for the lawful sale of 18322  
hearing aids or to prohibit a mercantile establishment from 18323  
selling hearing aids if the sale would be otherwise lawful under 18324  
this chapter. 18325

**Sec. 4747.05.** (A) (1) The state speech and hearing 18326  
professionals board shall issue to each applicant, within sixty 18327  
days of receipt of a properly completed application and payment 18328  
of an application fee set by the board in rules adopted under 18329  
section 4747.04 of the Revised Code, a hearing aid dealer's or 18330  
fitter's license if the applicant: 18331

~~(1)~~ (a) In the case of an individual, the individual is at 18332  
least eighteen years of age, has not committed a disqualifying 18333  
offense or a crime of moral turpitude, as those terms are 18334  
defined in section 4776.10 of the Revised Code, is free of 18335  
contagious or infectious disease, and has successfully passed a 18336  
qualifying examination specified and administered by the board. 18337

~~(2)~~ (b) In the case of a firm, partnership, association, or 18338

corporation, the application, in addition to such information as 18339  
the board requires, is accompanied by an application for a 18340  
license for each person, whether owner or employee, of the firm, 18341  
partnership, association, or corporation, who engages in dealing 18342  
in or fitting of hearing aids, or contains a statement that such 18343  
applications are submitted separately. No firm, partnership, 18344  
association, or corporation licensed pursuant to this chapter 18345  
shall permit any unlicensed person to sell or fit hearing aids. 18346

(2) The board shall issue a hearing aid dealer's or 18347  
fitter's license in accordance with section 9.79 of the Revised 18348  
Code to an applicant if either of the following applies: 18349

(a) The applicant holds a license in another state. 18350

(b) The applicant has satisfactory work experience, a 18351  
government certification, or a private certification as 18352  
described in that section as a hearing aid dealer or fitter in a 18353  
state that does not issue that license. 18354

(B) (1) Subject to divisions (B) (2), (3), and (4) of this 18355  
section, the board shall not adopt or enforce any rule that 18356  
precludes an individual from receiving or renewing a license 18357  
issued under this chapter due to any past criminal activity, 18358  
unless the individual has committed a crime of moral turpitude 18359  
or a disqualifying offense as those terms are defined in section 18360  
4776.10 of the Revised Code. The board shall comply with Chapter 18361  
119. of the Revised Code when denying an individual a license or 18362  
license renewal. 18363

(2) Except as otherwise provided in this division, if an 18364  
individual applying for a license has been convicted of or 18365  
pleaded guilty to a misdemeanor that is not a crime of moral 18366  
turpitude or a disqualifying offense less than one year prior to 18367

making the application, the board may use the board's discretion 18368  
in granting or denying the individual a license. Except as 18369  
otherwise provided in this division, if an individual applying 18370  
for a license has been convicted of or pleaded guilty to a 18371  
felony that is not a crime of moral turpitude or a disqualifying 18372  
offense less than three years prior to making the application, 18373  
the board may use the board's discretion in granting or denying 18374  
the individual a license. The provisions in this paragraph do 18375  
not apply with respect to any offense unless the board, prior to 18376  
September 28, 2012, was required or authorized to deny the 18377  
application based on that offense. 18378

In all other circumstances, the board shall follow the 18379  
procedures it adopts by rule that conform to division (B) (1) of 18380  
this section. 18381

(3) In considering a renewal of an individual's license, 18382  
the board shall not consider any conviction or plea of guilty 18383  
prior to the initial licensing. However, the board may consider 18384  
a conviction or plea of guilty if it occurred after the 18385  
individual was initially licensed, or after the most recent 18386  
license renewal. 18387

(4) The board may grant an individual a conditional 18388  
license that lasts for one year. After the one-year period has 18389  
expired, the license is no longer considered conditional, and 18390  
the individual shall be considered fully licensed. 18391

(C) (1) Except as provided in division (C) (2) of this 18392  
section, each license issued is valid from the date of issuance 18393  
until the thirty-first day of December of the even-numbered year 18394  
that follows the date of issuance. 18395

(2) A license issued less than one hundred days before the 18396



thirty-first day of December of an even-numbered year is valid 18397  
from the date of issuance until the thirty-first day of December 18398  
of the even-numbered year that follows the thirty-first day of 18399  
December immediately after the date of issuance. 18400

**Sec. 4747.10.** (A) (1) Each person currently engaged in 18401  
training to become a licensed hearing aid dealer or fitter shall 18402  
apply to the state speech and hearing professionals board for a 18403  
hearing aid dealer's and fitter's trainee permit. The board 18404  
shall issue to each applicant within thirty days of receipt of a 18405  
properly completed application and payment of an application fee 18406  
set by the board in rules adopted under section 4747.04 of the 18407  
Revised Code, a trainee permit if such applicant meets all of 18408  
the following criteria: 18409

~~(A)~~ (a) Is at least eighteen years of age; 18410

~~(B)~~ (b) Is the holder of a diploma from an accredited high 18411  
school or a certificate of high school equivalence issued by the 18412  
department of education; 18413

~~(C)~~ (c) Has not committed a disqualifying offense or a 18414  
crime of moral turpitude, as those terms are defined in section 18415  
4776.10 of the Revised Code; 18416

~~(D)~~ (d) Is free of contagious or infectious disease. 18417

(2) The board shall issue a hearing aid dealer's and 18418  
fitter's trainee permit in accordance with section 9.79 of the 18419  
Revised Code to an applicant if either of the following applies: 18420

(a) The applicant holds a permit or license in another 18421  
state. 18422

(b) The applicant has satisfactory work experience, a 18423  
government certification, or a private certification as 18424

described in that section as a hearing aid dealer and fitter 18425  
trainee in a state that does not issue that permit or license. 18426

(B) Subject to the next paragraph, the board shall not 18427  
deny a trainee permit issued under this section to any 18428  
individual based on the individual's past criminal history 18429  
unless the individual has committed a disqualifying offense or 18430  
crime of moral turpitude as those terms are defined in section 18431  
4776.10 of the Revised Code. Except as otherwise provided in 18432  
this paragraph, if an individual applying for a trainee permit 18433  
has been convicted of or pleaded guilty to a misdemeanor that is 18434  
not a crime of moral turpitude or a disqualifying offense less 18435  
than one year prior to making the application, the board may use 18436  
the board's discretion in granting or denying the individual a 18437  
trainee permit. Except as otherwise provided in this paragraph, 18438  
if an individual applying for a trainee permit has been 18439  
convicted of or pleaded guilty to a felony that is not a crime 18440  
of moral turpitude or a disqualifying offense less than three 18441  
years prior to making the application, the board may use the 18442  
board's discretion in granting or denying the individual a 18443  
trainee permit. The provisions in this paragraph do not apply 18444  
with respect to any offense unless the board, prior to September 18445  
28, 2012, was required or authorized to deny the application 18446  
based on that offense. 18447

In all other circumstances not described in the preceding 18448  
paragraph, the board shall follow the procedures it adopts by 18449  
rule that conform to this section. 18450

In considering a renewal of an individual's trainee 18451  
permit, the board shall not consider any conviction or plea of 18452  
guilty prior to the issuance of the initial trainee permit. 18453  
However, the board may consider a conviction or plea of guilty 18454

if it occurred after the individual was initially granted the 18455  
trainee permit, or after the most recent trainee permit renewal. 18456  
The board shall comply with Chapter 119. of the Revised Code 18457  
when denying an individual for a trainee permit or renewal. 18458  
Additionally, the board may grant an individual a conditional 18459  
trainee permit that lasts for one year. After the one-year 18460  
period has expired, the permit is no longer considered 18461  
conditional, and the individual shall be considered to be 18462  
granted a full trainee permit. 18463

(C) Each trainee permit issued by the board expires one 18464  
year from the date it was first issued, and may be renewed once 18465  
if the trainee has not successfully completed the qualifying 18466  
requirements for licensing as a hearing aid dealer or fitter 18467  
before the expiration date of such permit. The board shall issue 18468  
a renewed permit to each applicant upon receipt of a properly 18469  
completed application and payment of a renewal fee set by the 18470  
board in rules adopted under section 4747.04 of the Revised 18471  
Code. No person holding a trainee permit shall engage in the 18472  
practice of dealing in or fitting of hearing aids except while 18473  
under supervision by a licensed hearing aid dealer or fitter. 18474

**Sec. 4749.12.** ~~(A) A~~ The director of public safety shall 18475  
issue a license as a private investigator, security guard 18476  
provider, or as a private investigator and a security guard 18477  
provider in accordance with section 9.79 of the Revised Code to 18478  
a person who is a resident of another state; if either of the 18479  
following applies: 18480

(A) The person is licensed as a private investigator, 18481  
security guard provider, or as a private investigator and a 18482  
security guard provider in another state; and wishes to engage 18483  
in the business of private investigation, the business of 18484

~~security services, or both businesses in this state, shall be  
licensed pursuant to section 4749.03 of the Revised Code, but  
the director of public safety may waive the examination  
requirement of that section and issue a license to a nonresident  
under the circumstances described in division (B) of this  
section.~~

(B) ~~If a nonresident~~The applicant has satisfactory work  
experience, a government certification, or a private  
certification as described in that section as a private  
investigator, security guard provider, or a private investigator  
and security guard provider ~~seeking licensure under this chapter~~  
~~submits with the application and accompanying matter specified~~  
~~in section 4749.03 of the Revised Code proof of licensure in~~  
another state, and if the requirements of divisions (A) (1) (a),  
(b), and (d) and, if applicable, (F) (1) of section 4749.03 of  
the Revised Code are satisfied and the nonresident meets all  
current requirements of the laws of the other state regulating  
the business of private investigation, the business of security  
services, or both businesses, the director may waive the  
examination requirement and fee of that section. This waiver  
authority may be exercised only if the director determines that  
the other state has a law similar to this division and extends  
to residents of this state a similar waiver of examination  
privilegein a state that does not issue that license.

**Sec. 4751.01.** As used in this chapter:

(A) "Health-care licensing agency" means any department,  
division, board, section of a board, or other government unit  
that is authorized by a statute of this or another state to  
issue a license, certificate, permit, card, or other authority  
to do either of the following in the context of health care:

(1) Engage in a specific profession, occupation, or occupational activity; 18515  
18516

(2) Have charge of and operate certain specified equipment, machinery, or premises. 18517  
18518

(B) "Licensed health services executive" means an individual who holds a valid health services executive license. 18519  
18520

(C) "Licensed nursing home administrator" means an individual who holds a valid nursing home administrator license. 18521  
18522

(D) "Licensed temporary nursing home administrator" means an individual who holds a valid temporary nursing home administrator license. 18523  
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18525

(E) "Long-term services and supports setting" means any institutional or community-based setting in which medical, health, psychosocial, habilitative, rehabilitative, or personal care services are provided to individuals on a post-acute care basis. 18526  
18527  
18528  
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(F) "Nursing home" means a nursing home as defined by or under the authority of section 3721.01 of the Revised Code, or a nursing home operated by a governmental agency. 18531  
18532  
18533

(G) "Nursing home administration" means planning, organizing, directing, and managing the operation of a nursing home. 18534  
18535  
18536

(H) "Nursing home administrator" means any individual who engages in the practice of nursing home administration, whether or not the individual shares the functions and duties of nursing home administration with one or more other individuals. 18537  
18538  
18539  
18540

(I) "Valid health services executive license" means a health services executive license to which all of the following 18541  
18542

apply: 18543

(1) It was issued by the board of executives of long-term 18544  
services and supports under section 4751.201, 4751.21, 4751.23, 18545  
4751.25, or 4751.33 of the Revised Code; 18546

(2) It was not sold, fraudulently furnished, or 18547  
fraudulently obtained in violation of division (F) of section 18548  
4751.10 of the Revised Code; 18549

(3) It is current and in good standing. 18550

(J) "Valid nursing home administrator license" means a 18551  
nursing home administrator license to which all of the following 18552  
apply: 18553

(1) It was issued by the board under section 4751.20, 18554  
4751.201, 4751.23, 4751.24, or 4751.33 of the Revised Code; 18555

(2) It was not sold, fraudulently furnished, or 18556  
fraudulently obtained in violation of division (F) of section 18557  
4751.10 of the Revised Code; 18558

(3) It is current and in good standing. 18559

(K) "Valid temporary nursing home administrator license" 18560  
means a temporary nursing home administrator license to which 18561  
all of the following apply: 18562

(1) It was issued by the board under section 4751.202, 18563  
4751.23, or 4751.33 of the Revised Code; 18564

(2) It was not sold, fraudulently furnished, or 18565  
fraudulently obtained in violation of division (F) of section 18566  
4751.10 of the Revised Code; 18567

(3) It is current and in good standing. 18568

**Sec. 4751.15.** The board of executives of long-term 18569

services and supports shall administer, or contract with a 18570  
government or private entity to administer, examinations that an 18571  
individual must pass to obtain a nursing home administrator 18572  
license under section 4751.20 ~~or 4751.201~~ of the Revised Code. 18573  
If the board contracts with a government or private entity to 18574  
administer the examinations, the contract may authorize the 18575  
entity to collect and keep, as all or part of the entity's 18576  
compensation under the contract, any fee an individual pays to 18577  
take the examination. The entity is not required to deposit the 18578  
fee into the state treasury. 18579

To be admitted to an examination administered under this 18580  
section, an individual must pay the examination fee charged by 18581  
the board or government or private entity. If an individual 18582  
fails three times to pass the examination, the individual, 18583  
before being admitted to the examination a subsequent time, also 18584  
must satisfy any education requirements, experience 18585  
requirements, or both, that may be prescribed in rules adopted 18586  
under section 4751.04 of the Revised Code in addition to any 18587  
education requirements or experience requirements that must be 18588  
satisfied to obtain a nursing home administrator license under 18589  
section 4751.20 ~~or 4751.201~~ of the Revised Code. 18590

**Sec. 4751.20.** (A) ~~Subject—Except as provided in section~~ 18591  
~~4751.201 of the Revised Code, and subject~~ to section 4751.32 of 18592  
the Revised Code, the board of executives of long-term services 18593  
and supports shall issue a nursing home administrator license to 18594  
an individual under this section if all of the following 18595  
requirements are satisfied: 18596

(1) The individual has submitted to the board a completed 18597  
application for the license in accordance with rules adopted 18598  
under section 4751.04 of the Revised Code. 18599

(2) If the individual is required by rules adopted under 18600  
section 4751.04 of the Revised Code to serve as a nursing home 18601  
administrator in training, the individual has paid to the board 18602  
the administrator in training fee of fifty dollars. 18603

(3) The individual is at least twenty-one years of age. 18604

(4) The individual has successfully completed educational 18605  
requirements and work experience specified in rules adopted 18606  
under section 4751.04 of the Revised Code, including, if so 18607  
required by the rules, experience obtained as a nursing home 18608  
administrator in training. 18609

(5) The individual is of good moral character. 18610

(6) The individual has complied with section 4776.02 of 18611  
the Revised Code regarding a criminal records check. 18612

(7) The board, in its discretion, has determined that the 18613  
results of the criminal records check do not make the individual 18614  
ineligible for the license. 18615

(8) The individual has passed the licensing examination 18616  
administered under section 4751.15 of the Revised Code. 18617

(9) The individual has paid to the board a license fee of 18618  
two hundred fifty dollars. 18619

(10) The individual has satisfied any additional 18620  
requirements as may be prescribed in rules adopted under section 18621  
4751.04 of the Revised Code. 18622

(B) A nursing home administrator license shall certify 18623  
that the individual to whom it was issued has met the applicable 18624  
requirements of this chapter and any applicable rules adopted 18625  
under section 4751.04 of the Revised Code and is authorized to 18626  
practice nursing home administration while the license is valid. 18627



**Sec. 4751.201.** ~~(A) Subject to section 4751.32 of the~~ 18628  
~~Revised Code, Notwithstanding the requirements for a license~~ 18629  
~~under this chapter, the board of executives of long-term~~ 18630  
~~services and supports may shall issue a nursing home~~ 18631  
~~administrator license or a health services executive license in~~ 18632  
~~accordance with section 9.79 of the Revised Code to an~~ 18633  
~~individual under this section if all of the following~~ 18634  
~~requirements are satisfied:—~~ 18635

~~(1) The individual is legally authorized to practice~~ 18636  
~~nursing home administration in another state.—~~ 18637

~~(2) The individual has submitted to the board a completed~~ 18638  
~~application for the license in accordance with rules adopted~~ 18639  
~~under section 4751.04 of the Revised Code.—~~ 18640

~~(3) The individual is at least twenty-one years of age.—~~ 18641

~~(4) The individual holds at least a bachelor's degree from~~ 18642  
~~an accredited educational institution.—~~ 18643

~~(5) The individual is of good moral character.—~~ 18644

~~(6) The individual has complied with section 4776.02 of~~ 18645  
~~the Revised Code regarding a criminal records check.—~~ 18646

~~(7) The board, in its discretion, has determined that the~~ 18647  
~~results of the criminal records check do not make the individual~~ 18648  
~~ineligible for the license.—~~ 18649

~~(8) The individual has passed the licensing examination~~ 18650  
~~administered under section 4751.15 of the Revised Code.—~~ 18651

~~(9) The individual has paid to the board a license fee of~~ 18652  
~~two hundred fifty dollars.—~~ 18653

~~(10) The individual has satisfied any additional—~~ 18654

~~requirements as may be prescribed in rules adopted under section 18655~~  
~~4751.04 of the Revised Code. 18656~~

~~(B) A nursing home administrator license shall certify 18657~~  
~~that the individual to whom it was issued has met the applicable 18658~~  
~~requirements of this chapter and any applicable rules adopted 18659~~  
~~under section 4751.04 of the Revised Code and is authorized to 18660~~  
~~practice nursing home administration while the license is 18661~~  
~~valid applicant if either of the following applies: 18662~~

(A) The applicant holds a license in another state. 18663

(B) The applicant has satisfactory work experience, a 18664  
government certification, or a private certification as 18665  
described in that section as a nursing home administrator or a 18666  
health services executive in a state that does not issue that 18667  
license. 18668

**Sec. 4751.202.** (A) Subject to section 4751.32 of the 18669  
Revised Code, the board of executives of long-term services and 18670  
supports may issue a temporary nursing home administrator 18671  
license to an individual if all of the following requirements 18672  
are satisfied: 18673

(1) The operator of a nursing home has requested that the 18674  
board issue a temporary nursing home administrator license to 18675  
the individual to authorize the individual to temporarily 18676  
practice nursing home administration at the nursing home because 18677  
of a vacancy in the position of nursing home administrator at 18678  
the nursing home resulting from a death, illness, or other 18679  
unexpected cause. 18680

(2) The individual is at least twenty-one years of age. 18681

(3) The individual is of good moral character. 18682

(4) The individual has complied with section 4776.02 of the Revised Code regarding a criminal records check. 18683  
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(5) The board, in its discretion, has determined that the results of the criminal records check do not make the individual ineligible for the license. 18685  
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(6) The individual has paid to the board a fee for the temporary license of one hundred dollars. 18688  
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(7) The individual has satisfied any additional requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code. 18690  
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(B) A temporary nursing home administrator license shall certify that the individual to whom it was issued has met the applicable requirements of this chapter and any applicable rules adopted under section 4751.04 of the Revised Code and is authorized to practice nursing home administration while the temporary license is valid. 18693  
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(C) Except as provided in section 4751.32 of the Revised Code, a temporary nursing home administrator license is valid for a period of time the board shall specify on the temporary license. That period shall not exceed one hundred eighty days. If that period is less than one hundred eighty days, the individual holding the temporary license may apply to the board for renewal of the temporary license in accordance with rules the board shall adopt under section 4751.04 of the Revised Code. Except as provided in section 4751.32 of the Revised Code, a renewed temporary nursing home administrator license is valid for a period of time the board shall specify on the renewed temporary license. That period shall not exceed the difference between one hundred eighty days and the number of days for which 18699  
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the original temporary license was valid. A renewed temporary 18712  
nursing home administrator license shall not be renewed. A 18713  
licensed temporary nursing home administrator who intends to 18714  
continue to practice nursing home administration after the 18715  
temporary license, including, if applicable, the renewed 18716  
temporary license, expires must obtain a nursing home 18717  
administrator license under section 4751.20 of the Revised Code. 18718

(D) Section 9.79 of the Revised Code does not apply to a 18719  
temporary license issued under this section. 18720

**Sec. 4751.21.** (A) Subject-Except as provided in section 18721  
4751.201 of the Revised Code, and subject to section 4751.32 of 18722  
the Revised Code, the board of executives of long-term services 18723  
and supports shall issue a health services executive license to 18724  
an individual if all of the following requirements are 18725  
satisfied: 18726

(1) The individual has submitted to the board a completed 18727  
application for the license in accordance with rules adopted 18728  
under section 4751.04 of the Revised Code. 18729

(2) The individual is a licensed nursing home 18730  
administrator. 18731

(3) The individual has obtained the health services 18732  
executive qualification through the national association of 18733  
long-term care administrator boards. 18734

(4) The individual has complied with section 4776.02 of 18735  
the Revised Code regarding a criminal records check. 18736

(5) The board, in its discretion, has determined that the 18737  
results of the criminal records check do not make the individual 18738  
ineligible for the license. 18739

(6) The individual has paid to the board a license fee of 18740  
one hundred dollars. 18741

(B) A health services executive license shall certify that 18742  
the individual to whom it was issued has met the applicable 18743  
requirements of this chapter and any applicable rules adopted 18744  
under section 4751.04 of the Revised Code and is a licensed 18745  
health services executive while the license is valid. 18746

**Sec. 4751.32.** (A) The board of executives of long-term 18747  
services and supports may take any of the actions authorized by 18748  
division (B) of this section against an individual who has 18749  
applied for or holds a nursing home administrator license, 18750  
temporary nursing home administrator license, or health services 18751  
executive license if any of the following apply to the 18752  
individual: 18753

(1) The individual has failed to satisfy any requirement 18754  
established by this chapter or the rules adopted under section 18755  
4751.04 of the Revised Code that must be satisfied to obtain the 18756  
license or temporary license. 18757

(2) The individual has violated, or failed to comply with 18758  
a requirement of, this chapter or a rule adopted under section 18759  
4751.04 of the Revised Code regarding the practice of nursing 18760  
home administration, including the requirements of sections 18761  
4751.40 and 4751.41 of the Revised Code. 18762

(3) The individual is unfit or incompetent to practice 18763  
nursing home administration, serve in a leadership position at a 18764  
long-term services and supports setting, or direct the practices 18765  
of others in such a setting by reason of negligence, habits, or 18766  
other causes, including the individual's habitual or excessive 18767  
use or abuse of drugs, alcohol, or other substances. 18768

(4) The individual has acted in a manner inconsistent with the health and safety of either of the following:

(a) The residents of the nursing home at which the individual practices nursing home administration;

(b) The consumers of services and supports provided by a long-term services and supports setting at which the individual serves in a leadership position or directs the practices of others.

(5) The individual has been convicted of, or pleaded guilty to, either of the following in a court of competent jurisdiction, either within or without this state:

(a) A felony;

(b) An offense of moral turpitude that constitutes a misdemeanor in this state.

(6) The individual made a false, fraudulent, deceptive, or misleading statement in seeking to obtain, or obtaining, a nursing home administrator license, temporary nursing home administrator license, or health services executive license.

(7) The individual made a fraudulent misrepresentation in attempting to obtain, or obtaining, money or anything of value in the practice of nursing home administration or while serving in a leadership position at a long-term services and supports setting or directing the practices of others in such a setting.

(8) The individual has substantially deviated from the board's code of ethics.

(9) Another health care licensing agency has taken any of the following actions against the individual for any reason other than nonpayment of a fee:

(a) Denied, refused to renew or reinstate, limited, 18797  
revoked, or suspended, or accepted the surrender of, a license 18798  
or other authorization to practice; 18799

(b) Imposed probation; 18800

(c) Issued a censure or other reprimand. 18801

(10) The individual has failed to do any of the following: 18802

(a) Cooperate with an investigation conducted by the board 18803  
under section 4751.31 of the Revised Code; 18804

(b) Respond to or comply with a subpoena issued by the 18805  
board in an investigation of the individual; 18806

(c) Comply with any disciplinary action the board has 18807  
taken against the individual pursuant to this section. 18808

(B) The following are the actions that the board may take 18809  
for the purpose of division (A) of this section: 18810

(1) Deny the individual any of the following: 18811

(a) A nursing home administrator license under section 18812  
4751.20, 4751.201, 4751.23, or 4751.24 of the Revised Code; 18813

(b) A temporary nursing home administrator license under 18814  
section 4751.202 or 4751.23 of the Revised Code; 18815

(c) A health services executive license under section\_ 18816  
4751.201, 4751.21, 4751.23, or 4751.25 of the Revised Code. 18817

(2) Suspend the individual's nursing home administrator 18818  
license, temporary nursing home administrator license, or health 18819  
services executive license; 18820

(3) Revoke the individual's nursing home administrator 18821  
license, temporary nursing home administrator license, or health 18822

services executive license, either permanently or for a period 18823  
of time the board specifies; 18824

(4) Place a limitation on the individual's nursing home 18825  
administrator license, temporary nursing home administrator 18826  
license, or health services executive license; 18827

(5) Place the individual on probation; 18828

(6) Issue a written reprimand of the individual; 18829

(7) Impose on the individual a civil penalty, fine, or 18830  
other sanction specified in rules adopted under section 4751.04 18831  
of the Revised Code. 18832

(C) The board shall take actions authorized by division 18833  
(B) of this section in accordance with Chapter 119. of the 18834  
Revised Code, except that the board may enter into a consent 18835  
agreement with an individual to resolve an alleged violation of 18836  
this chapter or a rule adopted under section 4751.04 of the 18837  
Revised Code in lieu of making an adjudication regarding the 18838  
alleged violation. A consent agreement constitutes the board's 18839  
findings and order with respect to the matter addressed in the 18840  
consent agreement if the board ratifies the consent agreement. 18841  
Any admissions or findings included in a proposed consent 18842  
agreement have no force or effect if the board refuses to ratify 18843  
the consent agreement. 18844

**Sec. 4752.05.** (A) The Except as provided in division (D) 18845  
of this section, the state board of pharmacy shall issue a 18846  
license to provide home medical equipment services to each 18847  
applicant under section 4752.04 of the Revised Code that meets 18848  
either of the following requirements: 18849

(1) Meets the standards established by the board in rules 18850  
adopted under section 4752.17 of the Revised Code; 18851



(2) Is a pharmacy licensed under Chapter 4729. of the 18852  
Revised Code that receives total payments of ten thousand 18853  
dollars or more per year from selling or renting home medical 18854  
equipment. 18855

(B) During the period ending one year after September 16, 18856  
2004, an applicant that does not meet either of the requirements 18857  
of division (A) of this section shall be granted a provisional 18858  
license if for at least twelve months prior to September 16, 18859  
2004, the applicant was engaged in the business of providing 18860  
home medical equipment services. The provisional license expires 18861  
one year following the date on which it is issued and is not 18862  
subject to renewal under section 4752.06 of the Revised Code. 18863

(C) The board may conduct a personal interview of an 18864  
applicant, or an applicant's representative, to determine the 18865  
applicant's qualifications for licensure. 18866

(D) The board shall issue a license to provide home 18867  
medical equipment services in accordance with section 9.79 of 18868  
the Revised Code to an applicant if either of the following 18869  
applies: 18870

(1) The applicant holds a license in another state. 18871

(2) The applicant has satisfactory work experience, a 18872  
government certification, or a private certification as 18873  
described in that section as a provider of home medical 18874  
equipment services in a state that does not issue that license. 18875

(E) A license issued under division (A) of this section to 18876  
provide home medical equipment services expires at the end of 18877  
the licensing period for which it is issued and may be renewed 18878  
in accordance with section 4752.06 of the Revised Code. For 18879  
purposes of issuing and renewing licenses, the board shall use a 18880

biennial licensing period that begins on the first day of July 18881  
of each even-numbered year and ends on the thirtieth day of June 18882  
of the next succeeding even-numbered year. 18883

~~(E)~~ (F) Any license issued under this section is valid only 18884  
for the facility named in the application. 18885

**Sec. 4752.12.** (A) ~~The~~ Except as provided in division (B) 18886  
of this section, the state board of pharmacy shall issue a 18887  
certificate of registration to provide home medical equipment 18888  
services to each applicant who submits a complete application 18889  
under section 4752.11 of the Revised Code. For purposes of this 18890  
division, an application is complete only if the board finds 18891  
that the applicant holds accreditation from the joint commission 18892  
on accreditation of healthcare organizations or another national 18893  
accrediting body recognized by the board, as specified in rules 18894  
adopted under section 4752.17 of the Revised Code. 18895

(B) The board shall issue a certificate of registration in 18896  
accordance with section 9.79 of the Revised Code to an applicant 18897  
if either of the following applies: 18898

(1) The applicant holds a certificate of registration or 18899  
license in another state. 18900

(2) The applicant has satisfactory work experience, a 18901  
government certification, or a private certification as 18902  
described in that section as a provider of home medical 18903  
equipment services in a state that does not issue that 18904  
certificate or license. 18905

(C) ~~A certificate of registration issued under this~~ 18906  
~~section~~ expires at the end of the registration period for which 18907  
it is issued and may be renewed in accordance with section 18908  
4752.13 of the Revised Code. For purposes of renewing 18909

certificates of registration, the board shall use a biennial 18910  
registration period that begins on the first day of July of each 18911  
even-numbered year and ends on the thirtieth day of June of the 18912  
next succeeding even-numbered year. 18913

~~(C)~~ (D) A certificate of registration ~~issued under this~~ 18914  
~~section~~ is valid only for the facility named in the application. 18915

**Sec. 4753.07.** The state speech and hearing professionals 18916  
board shall issue under its seal a license or conditional 18917  
license to every applicant who has passed the appropriate 18918  
examinations designated by the board and who otherwise complies 18919  
with the licensure requirements of this chapter. The license or 18920  
conditional license entitles the holder to practice speech- 18921  
language pathology or audiology. 18922

The board shall issue under its seal a license or 18923  
conditional license to practice speech-language pathology or 18924  
audiology to an applicant in accordance with section 9.79 of the 18925  
Revised Code if the applicant holds a license or conditional 18926  
license in another state or the applicant has satisfactory work 18927  
experience, a government certification, or a private 18928  
certification as described in that section as a speech-language 18929  
pathologist or audiologist in a state that does not issue those 18930  
licenses. 18931

Each licensee shall display the license or conditional 18932  
license or an official duplicate in a conspicuous place where 18933  
the licensee practices speech-language pathology or audiology or 18934  
both. 18935

**Sec. 4753.071.** A person who is required to meet the 18936  
supervised professional experience requirement of division (F) 18937  
of section 4753.06 of the Revised Code shall submit to the state 18938

speech and hearing professionals board an application for a 18939  
conditional license. The application shall include a plan for 18940  
the content of the supervised professional experience on a form 18941  
the board shall prescribe. The board shall issue the conditional 18942  
license to the applicant if the applicant meets the requirements 18943  
of section 4753.06 of the Revised Code, other than the 18944  
requirement to have obtained the supervised professional 18945  
experience, and pays to the board the appropriate fee for a 18946  
conditional license. The board shall issue a conditional license 18947  
in accordance with section 9.79 of the Revised Code to an 18948  
applicant if the applicant holds a license in another state or 18949  
the applicant has satisfactory work experience, a government 18950  
certification, or a private certification as described in that 18951  
section in a state that does not issue a conditional license. An 18952  
applicant may not begin employment until the conditional license 18953  
has been issued. 18954

A conditional license authorizes an individual to practice 18955  
speech-language pathology or audiology while completing the 18956  
supervised professional experience as required by division (F) 18957  
of section 4753.06 of the Revised Code. A person holding a 18958  
conditional license may practice speech-language pathology or 18959  
audiology while working under the supervision of a person fully 18960  
licensed in accordance with this chapter. A conditional license 18961  
is valid for eighteen months unless suspended or revoked 18962  
pursuant to section 3123.47 or 4753.10 of the Revised Code. 18963

A person holding a conditional license may perform 18964  
services for which payment will be sought under the medicare 18965  
program or the medicaid program but all requests for payment for 18966  
such services shall be made by the person who supervises the 18967  
person performing the services. 18968

**Sec. 4753.072.** The state speech and hearing professionals 18969  
board shall establish by rule pursuant to Chapter 119. of the 18970  
Revised Code the qualifications for persons seeking licensure as 18971  
a speech-language pathology aide or an audiology aide. The 18972  
qualifications shall be less than the standards for licensure as 18973  
a speech-language pathologist or audiologist. An aide shall not 18974  
act independently and shall work under the direction and 18975  
supervision of a speech-language pathologist or audiologist 18976  
licensed by the board. An aide shall not dispense hearing aids. 18977  
An applicant shall not begin employment until the license has 18978  
been approved. 18979

The board shall issue a license for a speech-language 18980  
pathology aide or an audiology aide in accordance with section 18981  
9.79 of the Revised Code to an applicant who holds a license in 18982  
another state or has satisfactory work experience, a government 18983  
certification, or a private certification as described in that 18984  
section as a speech-language pathology aide or an audiology aide 18985  
in a state that does not issue those licenses. 18986

**Sec. 4753.073.** (A) The state speech and hearing 18987  
professionals board shall issue under its seal a speech-language 18988  
pathology student permit to any applicant who submits a plan 18989  
that has been approved by the applicant's university graduate 18990  
program in speech-language pathology and that conforms to 18991  
requirements determined by the board by rule and who meets all 18992  
of the following requirements: 18993

(1) Is enrolled in a graduate program at an educational 18994  
institution located in this state that is accredited by the 18995  
council on academic accreditation in audiology and speech- 18996  
language pathology of the American speech-language-hearing 18997  
association; 18998

(2) Has completed at least one year of postgraduate 18999  
training in speech-language pathology, or equivalent coursework 19000  
as determined by the board, and any student clinical experience 19001  
the board may require by rule. 19002

(B) The board shall issue under its seal a speech-language 19003  
pathology student permit to an applicant if either of the 19004  
following applies: 19005

(1) The applicant holds a permit or license in another 19006  
state. 19007

(2) The applicant has satisfactory work experience, a 19008  
government certification, or a private certification as 19009  
described in that section as a speech-language pathology student 19010  
in a state that does not issue that permit or license. 19011

(C) The speech-language pathology student permit 19012  
authorizes the holder to practice speech-language pathology 19013  
within limits determined by the board by rule, which shall 19014  
include the following: 19015

(1) The permit holder's caseload shall be limited in a 19016  
manner to be determined by the board by rule. 19017

(2) The permit holder's authorized scope of practice shall 19018  
be limited in a manner to be determined by the board by rule. 19019  
The rule shall consider the coursework and clinical experience 19020  
that has been completed by the permit holder and the 19021  
recommendation of the applicant's university graduate program in 19022  
speech-language pathology. 19023

(3) The permit holder shall practice only when under the 19024  
supervision of a speech-language pathologist who is licensed by 19025  
the board and acting under the approval and direction of the 19026  
applicant's university graduate program in speech-language 19027

pathology. The board shall determine by rule the manner of supervision. 19028  
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~~(C)~~ (D) A permit ~~issued under this section~~ shall expire two 19030  
years after the date of issuance. Student permits may be renewed 19031  
in a manner to be determined by the board by rule. 19032

~~(D)~~ (E) Each permit holder shall display the permit or an 19033  
official duplicate in a conspicuous place where the permit 19034  
holder practices speech-language pathology. 19035

**Sec. 4753.08.** The state speech and hearing professionals 19036  
board shall waive the examination, educational, and professional 19037  
experience requirements for any applicant who meets ~~any either~~ 19038  
of the following requirements: 19039

(A) On September 26, 1975, had at least a bachelor's 19040  
degree with a major in speech-language pathology or audiology 19041  
from an accredited college or university, or was employed as a 19042  
speech-language pathologist or audiologist for at least nine 19043  
months at any time within the three years prior to September 26, 19044  
1975, if an application providing bona fide proof of such degree 19045  
or employment was filed with the former board of speech-language 19046  
pathology and audiology within one year after that date, and was 19047  
accompanied by the application fee as prescribed in division (A) 19048  
of section 4753.11 of the Revised Code; 19049

(B) ~~Presents proof to the state speech and hearing~~ 19050  
~~professionals board of current certification or licensure in~~ 19051  
~~good standing in the area in which licensure is sought in a~~ 19052  
~~state that has standards at least equal to the standards for~~ 19053  
~~licensure that are in effect in this state at the time the~~ 19054  
~~applicant applies for the license;~~ 19055

~~(C) Presents proof to the state speech and hearing~~ 19056

~~professionals board of both of the following:~~

~~(1) Having current certification or licensure in good standing in audiology in a state that has standards at least equal to the standards for licensure as an audiologist that were in effect in this state on December 31, 2005,~~

~~(2) Having first obtained that certification or licensure not later than December 31, 2007.~~

~~(D)~~ Presents proof to the state speech and hearing professionals board of a current certificate of clinical competence in speech-language pathology or audiology that is in good standing and received from the American speech-language-hearing association in the area in which licensure is sought.

**Sec. 4753.09.** Except as provided in this section and in section 4753.10 of the Revised Code, a license issued by the state speech and hearing professionals board shall be renewed biennially in accordance with the standard renewal procedure contained in Chapter 4745. of the Revised Code. If the application for renewal is made one year or longer after the renewal application is due, the person shall apply for licensure as provided in section 4753.06 or division (B), ~~(C), or (D)~~ of section 4753.08 of the Revised Code. The board shall not renew a conditional license; however, the board may grant an applicant a second conditional license.

The board shall establish by rule adopted pursuant to Chapter 119. of the Revised Code the qualifications for license renewal. Applicants shall demonstrate continued competence, which may include continuing education, examination, self-evaluation, peer review, performance appraisal, or practical simulation. The board may establish other requirements as a



condition for license renewal as considered appropriate by the 19086  
board. 19087

The board may renew a license which expires while the 19088  
license is suspended, but the renewal shall not affect the 19089  
suspension. The board shall not renew a license which has been 19090  
revoked. If a revoked license is reinstated under section 19091  
4753.10 of the Revised Code after it has expired, the licensee, 19092  
as a condition of reinstatement, shall pay a reinstatement fee 19093  
in the amount equal to the renewal fee in effect on the last 19094  
preceding regular renewal date on which it is reinstated, plus 19095  
any delinquent fees accrued from the time of the revocation, if 19096  
such a fee is prescribed by the board by rule. 19097

**Sec. 4753.12.** Nothing in this chapter shall be construed 19098  
to: 19099

(A) Prohibit a person other than an individual from 19100  
engaging in the business of speech-language pathology or 19101  
audiology without licensure if it employs a licensed individual 19102  
in the direct practice of speech-language pathology and 19103  
audiology. Such entity shall file a statement with the state 19104  
speech and hearing professionals board, on a form approved by 19105  
the board for this purpose, swearing that it submits itself to 19106  
the rules of the board and the provisions of this chapter which 19107  
the board determines applicable. 19108

(B) Prevent or restrict the practice of a person employed 19109  
as a speech-language pathologist or audiologist by any agency of 19110  
the federal government. 19111

(C) Restrict the activities and services of a student or 19112  
intern in speech-language pathology or audiology from pursuing a 19113  
course of study leading to a degree in these areas at a college 19114

or university accredited by a recognized regional or national 19115  
accrediting body or in one of its cooperating clinical training 19116  
facilities, if these activities and services are supervised by a 19117  
person licensed in the area of study or certified by the 19118  
American speech-language-hearing association in the area of 19119  
study and if the student is designated by a title such as 19120  
"speech-language pathology intern," "audiology intern," 19121  
"trainee," or other such title clearly indicating the training 19122  
status. 19123

(D) Prevent a person from performing speech-language 19124  
pathology or audiology services when performing these services 19125  
in pursuit of the required supervised professional experience as 19126  
prescribed in section 4753.06 of the Revised Code and that 19127  
person has been issued a conditional license pursuant to section 19128  
4753.071 of the Revised Code. 19129

(E) Restrict a speech-language pathologist or audiologist 19130  
who holds the certification of the American speech-language- 19131  
hearing association, or who is licensed as a speech-language 19132  
pathologist or audiologist in another state and who has made 19133  
application to the board for a license in this state from 19134  
practicing speech-language pathology or audiology without a 19135  
valid license pending the disposition of the application. The 19136  
board shall not require a speech-language pathologist or 19137  
audiologist who is licensed in another state to obtain a license 19138  
in accordance with section 9.79 of the Revised Code to practice 19139  
speech-language pathology or audiology in the manner described 19140  
under this division. 19141

(F) Restrict a person not a resident of this state from 19142  
offering speech-language pathology or audiology services in this 19143  
state if such services are performed for not more than one 19144

period of thirty consecutive calendar days in any year, if the  
person is licensed in the state of the person's residence or  
certified by the American speech-language-hearing association  
and files a statement as prescribed by the board in advance of  
providing these services. Such person shall be subject to the  
rules of the board and the provisions of this chapter. The board  
shall not require a person not a resident of this state who is  
licensed in the state of the person's residence to obtain a  
license in accordance with section 9.79 of the Revised Code to  
offer speech-language pathology or audiology services in the  
manner described under this division.

(G) Restrict a person licensed under Chapter 4747. of the  
Revised Code from engaging in the duties as defined in that  
chapter related to measuring, testing, and counseling for the  
purpose of identifying or modifying hearing conditions in  
connection with the fitting, dispensing, or servicing of a  
hearing aid, or affect the authority of hearing aid dealers to  
deal in hearing aids or advertise the practice of dealing in  
hearing aids in accordance with Chapter 4747. of the Revised  
Code.

(H) Restrict a physician from engaging in the practice of  
medicine and surgery or osteopathic medicine and surgery or  
prevent any individual from carrying out any properly delegated  
responsibilities within the normal practice of medicine and  
surgery or osteopathic medicine and surgery.

(I) Restrict a person registered or licensed under Chapter  
4723. of the Revised Code from performing those acts and  
utilizing those procedures that are within the scope of the  
practice of professional or practical nursing as defined in  
Chapter 4723. of the Revised Code and the ethics of the nursing

profession, provided such a person does not claim to the public 19175  
to be a speech-language pathologist or audiologist. 19176

(J) Restrict an individual licensed as an audiologist 19177  
under this chapter from fitting, selling, or dispensing hearing 19178  
aids. 19179

(K) Authorize the practice of medicine and surgery or 19180  
entitle a person licensed pursuant to this chapter to engage in 19181  
the practice of medicine or surgery or any of its branches. 19182

(L) Restrict a person licensed pursuant to Chapter 4755. 19183  
of the Revised Code from performing those acts and utilizing 19184  
those procedures that are within the scope of the practice of 19185  
occupational therapy or occupational therapy assistant as 19186  
defined in Chapter 4755. of the Revised Code, provided the 19187  
person does not claim to the public to be a speech-language 19188  
pathologist or audiologist. 19189

**Sec. 4755.08.** The occupational therapy section of the Ohio 19190  
occupational therapy, physical therapy, and athletic trainers 19191  
board shall issue a license to every applicant who has passed 19192  
the appropriate examination designated by the section and who 19193  
otherwise complies with the licensure requirements of sections 19194  
4755.04 to 4755.13 of the Revised Code. The license entitles the 19195  
holder to practice occupational therapy or to assist in the 19196  
practice of occupational therapy. The licensee shall display the 19197  
license in a conspicuous place at the licensee's principal place 19198  
of business. 19199

The section shall issue a license to practice occupational 19200  
therapy or to assist in the practice of occupational therapy in 19201  
accordance with section 9.79 of the Revised Code to an applicant 19202  
if either of the following applies: 19203

(A) The applicant holds a license in another state.

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(B) The applicant has satisfactory work experience, a  
government certification, or a private certification as  
described in that section as an occupational therapist or  
assistant occupational therapist in a state that does not issue  
that license.

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The section may issue a limited permit to persons who have  
satisfied the requirements of divisions (A) to (C) of section  
4755.07 of the Revised Code. The section shall issue a limited  
permit in accordance with section 9.79 of the Revised Code to an  
applicant if the applicant holds a permit or license in another  
state or the applicant has satisfactory work experience, a  
government certification, or a private certification as  
described in that section in a state that does not issue that  
permit or license. This permit allows the person to practice as  
an occupational therapist or occupational therapy assistant  
under the supervision of a licensed occupational therapist and  
is valid until the date on which the results of the examination  
are made public. This limited permit shall not be renewed if the  
applicant has failed the examination.

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**Sec. 4755.09.** The occupational therapy section of the Ohio  
occupational therapy, physical therapy, and athletic trainers  
board may waive the examination requirement under section  
4755.07 of the Revised Code for any applicant for licensure as  
an occupational therapist or occupational therapy assistant who  
~~either has met educational, training, and job experience~~  
~~requirements established by the section, or presents proof of~~  
~~current certification or licensure in another state that~~  
~~requires standards for licensure at least equal to those for~~  
~~licensure in this state.~~

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The section may waive the educational requirements under 19234  
section 4755.07 of the Revised Code for any applicant who has 19235  
met job experience requirements established by the section. 19236

**Sec. 4755.411.** The physical therapy section of the Ohio 19237  
occupational therapy, physical therapy, and athletic trainers 19238  
board shall adopt rules in accordance with Chapter 119. of the 19239  
Revised Code pertaining to the following: 19240

(A) Fees for the verification of a license and license 19241  
reinstatement, and other fees established by the section; 19242

(B) Provisions for the section's government and control of 19243  
its actions and business affairs; 19244

(C) Minimum curricula for physical therapy education 19245  
programs that prepare graduates to be licensed in this state as 19246  
physical therapists and physical therapist assistants; 19247

(D) Eligibility criteria to take the examinations required 19248  
under sections 4755.43 and 4755.431 of the Revised Code; 19249

(E) The form and manner for filing applications for 19250  
licensure with the section; 19251

(F) For purposes of section 4755.46 of the Revised Code, 19252  
all of the following: 19253

(1) A schedule regarding when licenses to practice as a 19254  
physical therapist and physical therapist assistant expire 19255  
during a biennium; 19256

(2) An additional fee, not to exceed thirty-five dollars, 19257  
that may be imposed if a licensee files a late application for 19258  
renewal; 19259

(3) The conditions under which the license of a person who 19260

files a late application for renewal will be reinstated. 19261

(G) The issuance, renewal, suspension, and permanent 19262  
revocation of a license and the conduct of hearings; 19263

(H) Appropriate ethical conduct in the practice of 19264  
physical therapy; 19265

(I) Requirements, including continuing education 19266  
requirements, for restoring licenses that are inactive or have 19267  
lapsed through failure to renew; 19268

(J) Conditions that may be imposed for reinstatement of a 19269  
license following suspension pursuant to section 4755.47 of the 19270  
Revised Code; 19271

(K) For purposes of sections 4755.45 and 4755.451 of the 19272  
Revised Code, both of the following: 19273

(1) Identification of the credentialing organizations from 19274  
which the section will accept equivalency evaluations for 19275  
foreign physical therapist education and foreign physical 19276  
therapist assistant education. The physical therapy section 19277  
shall identify only those credentialing organizations that use a 19278  
course evaluation tool or form approved by the physical therapy 19279  
section. 19280

(2) Evidence, other than the evaluations described in 19281  
division (K)(1) of this section, that the section will consider 19282  
for purposes of evaluating whether an applicant's education is 19283  
reasonably equivalent to the educational requirements that were 19284  
in force for licensure in this state as a physical therapist or 19285  
physical therapist assistant on the date of the applicant's 19286  
initial licensure or registration in another ~~state or~~ country. 19287

(L) Standards of conduct for physical therapists and 19288

physical therapist assistants, including requirements for 19289  
supervision, delegation, and practicing with or without referral 19290  
or prescription; 19291

(M) Appropriate display of a license; 19292

(N) Procedures for a licensee to follow in notifying the 19293  
section within thirty days of a change in name or address, or 19294  
both; 19295

(O) The amount and content of corrective action courses 19296  
required by the board under section 4755.47 of the Revised Code. 19297

**Sec. 4755.44.** If an applicant passes the examination or 19298  
examinations required under section 4755.43 of the Revised Code 19299  
and pays the fee required by division (B) of section 4755.42 of 19300  
the Revised Code, the physical therapy section of the Ohio 19301  
occupational therapy, physical therapy, and athletic trainers 19302  
board shall issue a license, attested by the seal of the board, 19303  
to the applicant to practice as a physical therapist. 19304

The section shall issue a license to practice as a 19305  
physical therapist in accordance with section 9.79 of the 19306  
Revised Code, attested by the seal of the board, to an applicant 19307  
if either of the following applies: 19308

(A) The applicant holds a license in another state. 19309

(B) The applicant has satisfactory work experience, a 19310  
government certification, or a private certification as 19311  
described in that section as a physical therapist in a state 19312  
that does not issue that license. 19313

**Sec. 4755.441.** If an applicant passes the examination or 19314  
examinations required under section 4755.431 of the Revised Code 19315  
and pays the fee required by division (B) of section 4755.421 of 19316



the Revised Code, the physical therapy section of the Ohio 19317  
occupational therapy, physical therapy, and athletic trainers 19318  
board shall issue a license, attested by the seal of the board, 19319  
to the applicant to practice as physical therapist assistant. 19320

The section shall issue a license to practice as a 19321  
physical therapist assistant in accordance with section 9.79 of 19322  
the Revised Code, attested by the seal of the board, to an 19323  
applicant if either of the following applies: 19324

(A) The applicant holds a license in another state. 19325

(B) The applicant has satisfactory work experience, a 19326  
government certification, or a private certification as 19327  
described in that section as a physical therapist assistant in a 19328  
state that does not issue that license. 19329

**Sec. 4755.45.** (A) The physical therapy section of the Ohio 19330  
occupational therapy, physical therapy, and athletic trainers 19331  
board shall issue to an applicant a license to practice as a 19332  
physical therapist without requiring the applicant to have 19333  
passed the national examination for physical therapists 19334  
described in division (A) of section 4755.43 of the Revised Code 19335  
within one year of filing an application described in section 19336  
4755.42 of the Revised Code if all of the following are true: 19337

(1) The applicant presents evidence satisfactory to the 19338  
physical therapy section that the applicant received a score on 19339  
the national physical therapy examination described in division 19340  
(A) of section 4755.43 of the Revised Code that would have been 19341  
a passing score according to the board in the year the applicant 19342  
sat for the examination; 19343

(2) The applicant presents evidence satisfactory to the 19344  
physical therapy section that the applicant passed the 19345

jurisprudence examination described in division (B) of section 19346  
4755.43 of the Revised Code; 19347

(3) The applicant holds a current and valid license or 19348  
registration to practice physical therapy in another ~~state or~~ 19349  
country; 19350

(4) Subject to division (B) of this section, the applicant 19351  
can demonstrate that the applicant's education is reasonably 19352  
equivalent to the educational requirements that were in force 19353  
for licensure in this state on the date of the applicant's 19354  
initial licensure or registration in the other ~~state or~~ country; 19355

(5) The applicant pays the fee described in division (B) 19356  
of section 4755.42 of the Revised Code; 19357

(6) The applicant is not in violation of any section of 19358  
this chapter or rule adopted under it. 19359

(B) For purposes of division (A)(4) of this section, if, 19360  
after receiving the results of an equivalency evaluation from a 19361  
credentialing organization identified by the section pursuant to 19362  
rules adopted under section 4755.411 of the Revised Code, the 19363  
section determines that regardless of the results of the 19364  
evaluation the applicant's education is not reasonably 19365  
equivalent to the educational requirements that were in force 19366  
for licensure in this state on the date of the applicant's 19367  
initial licensure or registration in ~~another state or a~~ foreign 19368  
country, the section shall send a written notice to the 19369  
applicant stating that the section is denying the applicant's 19370  
application and stating the specific reason why the section is 19371  
denying the applicant's application. The section shall send the 19372  
notice to the applicant through certified mail within thirty 19373  
days after the section makes that determination. 19374

**Sec. 4755.451.** (A) The physical therapy section of the 19375  
Ohio occupational therapy, physical therapy, and athletic 19376  
trainers board shall issue to an applicant a license as a 19377  
physical therapist assistant without requiring the applicant to 19378  
have passed the national examination for physical therapist 19379  
assistants described in division (A) of section 4755.431 of the 19380  
Revised Code within one year of filing an application described 19381  
in section 4755.421 of the Revised Code if all of the following 19382  
are true: 19383

(1) The applicant presents evidence satisfactory to the 19384  
physical therapy section that the applicant received a score on 19385  
the national physical therapy examination described in division 19386  
(A) of section 4755.431 of the Revised Code that would have been 19387  
a passing score according to the board in the year the applicant 19388  
sat for the examination; 19389

(2) The applicant presents evidence satisfactory to the 19390  
physical therapy section that the applicant passed the 19391  
jurisprudence examination described in division (B) of section 19392  
4755.431 of the Revised Code; 19393

(3) The applicant holds a current and valid license or 19394  
registration to practice as a physical therapist assistant in 19395  
another ~~state or~~ country; 19396

(4) Subject to division (B) of this section, the applicant 19397  
can demonstrate that the applicant's education is reasonably 19398  
equivalent to the educational requirements that were in force 19399  
for licensure in this state on the date of the applicant's 19400  
initial licensure or registration in the other ~~state or~~ country; 19401

(5) The applicant pays the fee described in division (B) 19402  
of section 4755.421 of the Revised Code; 19403

(6) The applicant is not in violation of any section of 19404  
this chapter or rule adopted under it. 19405

(B) For purposes of division (A)(4) of this section, if, 19406  
after receiving the results of an equivalency evaluation from a 19407  
credentialing organization identified by the section pursuant to 19408  
rules adopted under section 4755.411 of the Revised Code, the 19409  
section determines that, regardless of the results of the 19410  
evaluation, the applicant's education is not reasonably 19411  
equivalent to the educational requirements that were in force 19412  
for licensure in this state on the date of the applicant's 19413  
initial licensure or registration in ~~another state or a~~ foreign 19414  
country, the section shall send a written notice to the 19415  
applicant stating that the section is denying the applicant's 19416  
application and stating the specific reason why the section is 19417  
denying the applicant's application. The section shall send the 19418  
notice to the applicant through certified mail within thirty 19419  
days after the section makes the determination. 19420

**Sec. 4755.48.** (A) No person shall employ fraud or 19421  
deception in applying for or securing a license to practice 19422  
physical therapy or to be a physical therapist assistant. 19423

(B) No person shall practice or in any way imply or claim 19424  
to the public by words, actions, or the use of letters as 19425  
described in division (C) of this section to be able to practice 19426  
physical therapy or to provide physical therapy services, 19427  
including practice as a physical therapist assistant, unless the 19428  
person holds a valid license under sections 4755.40 to 4755.56 19429  
of the Revised Code or except for submission of claims as 19430  
provided in section 4755.56 of the Revised Code. 19431

(C) No person shall use the words or letters, physical 19432  
therapist, physical therapy, physical therapy services, 19433

physiotherapist, physiotherapy, physiotherapy services, licensed 19434  
physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., 19435  
D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical 19436  
therapist assistant, physical therapy technician, licensed 19437  
physical therapist assistant, L.P.T.A., R.P.T.A., or any other 19438  
letters, words, abbreviations, or insignia, indicating or 19439  
implying that the person is a physical therapist or physical 19440  
therapist assistant without a valid license under sections 19441  
4755.40 to 4755.56 of the Revised Code. 19442

(D) No person who practices physical therapy or assists in 19443  
the provision of physical therapy treatments under the 19444  
supervision of a physical therapist shall fail to display the 19445  
person's current license granted under sections 4755.40 to 19446  
4755.56 of the Revised Code in a conspicuous location in the 19447  
place where the person spends the major part of the person's 19448  
time so engaged. 19449

(E) Nothing in sections 4755.40 to 4755.56 of the Revised 19450  
Code shall affect or interfere with the performance of the 19451  
duties of any physical therapist or physical therapist assistant 19452  
in active service in the army, navy, coast guard, marine corps, 19453  
air force, public health service, or marine hospital service of 19454  
the United States, while so serving. 19455

(F) Nothing in sections 4755.40 to 4755.56 of the Revised 19456  
Code shall prevent or restrict the activities or services of a 19457  
person pursuing a course of study leading to a degree in 19458  
physical therapy in an accredited or approved educational 19459  
program if the activities or services constitute a part of a 19460  
supervised course of study and the person is designated by a 19461  
title that clearly indicates the person's status as a student. 19462

(G) (1) Subject to division (G) (2) of this section, nothing 19463

in sections 4755.40 to 4755.56 of the Revised Code shall prevent 19464  
or restrict the activities or services of any person who holds a 19465  
current, unrestricted license to practice physical therapy in 19466  
another state when that person, pursuant to contract or 19467  
employment with an athletic team located in the state in which 19468  
the person holds the license, provides physical therapy to any 19469  
of the following while the team is traveling to or from or 19470  
participating in a sporting event in this state: 19471

(a) A member of the athletic team; 19472

(b) A member of the athletic team's coaching, 19473  
communications, equipment, or sports medicine staff; 19474

(c) A member of a band or cheerleading squad accompanying 19475  
the athletic team; 19476

(d) The athletic team's mascot. 19477

(2) In providing physical therapy pursuant to division (G) 19478  
(1) of this section, the person shall not do either of the 19479  
following: 19480

(a) Provide physical therapy at a health care facility; 19481

(b) Provide physical therapy for more than sixty days in a 19482  
calendar year. 19483

(3) The physical therapy section of the occupational 19484  
therapy, physical therapy, and athletic trainers board shall not 19485  
require a person who holds a license to practice physical 19486  
therapy in another state to obtain a license in accordance with 19487  
section 9.79 of the Revised Code to provide physical therapy 19488  
services in the manner described under division (G)(1) of this 19489  
section. 19490

(H) (1) Except as provided in division (H) (2) of this 19491

section and subject to division (I) of this section, no person 19492  
shall practice physical therapy other than on the prescription 19493  
of, or the referral of a patient by, a person who is licensed in 19494  
this or another state to do at least one of the following: 19495

(a) Practice medicine and surgery, chiropractic, 19496  
dentistry, osteopathic medicine and surgery, podiatric medicine 19497  
and surgery; 19498

(b) Practice as a physician assistant; 19499

(c) Practice nursing as an advanced practice registered 19500  
nurse. 19501

(2) The prohibition in division (H) (1) of this section on 19502  
practicing physical therapy other than on the prescription of, 19503  
or the referral of a patient by, any of the persons described in 19504  
that division does not apply if either of the following applies 19505  
to the person: 19506

(a) The person holds a master's or doctorate degree from a 19507  
professional physical therapy program that is accredited by a 19508  
national physical therapy accreditation agency recognized by the 19509  
United States department of education. 19510

(b) On or before December 31, 2004, the person has 19511  
completed at least two years of practical experience as a 19512  
licensed physical therapist. 19513

(I) To be authorized to prescribe physical therapy or 19514  
refer a patient to a physical therapist for physical therapy, a 19515  
person described in division (H) (1) of this section must be in 19516  
good standing with the relevant licensing board in this state or 19517  
the state in which the person is licensed and must act only 19518  
within the person's scope of practice. 19519

(J) In the prosecution of any person for violation of 19520  
division (B) or (C) of this section, it is not necessary to 19521  
allege or prove want of a valid license to practice physical 19522  
therapy or to practice as a physical therapist assistant, but 19523  
such matters shall be a matter of defense to be established by 19524  
the accused. 19525

**Sec. 4755.482.** (A) Except as otherwise provided in 19526  
divisions (B) and (C) of this section, a person shall not teach 19527  
a physical therapy theory and procedures course in physical 19528  
therapy education without obtaining a license as a physical 19529  
therapist from the physical therapy section of the Ohio 19530  
occupational therapy, physical therapy, and athletic trainers 19531  
board. 19532

(B) A person who is registered or licensed as a physical 19533  
therapist under the laws of another state shall not teach a 19534  
physical therapy theory and procedures course in physical 19535  
therapy education for more than one year without obtaining a 19536  
license as a physical therapist from the physical therapy 19537  
section, and the section shall not require that person to obtain 19538  
a license in accordance with section 9.79 of the Revised Code to 19539  
teach as described in this division. 19540

(C) A person who is registered or licensed as a physical 19541  
therapist under the laws of a foreign country and is not 19542  
registered or licensed as a physical therapist in any state who 19543  
wishes to teach a physical therapy theory and procedures course 19544  
in physical therapy education in this state, or an institution 19545  
that wishes the person to teach such a course at the 19546  
institution, may apply to the physical therapy section to 19547  
request authorization for the person to teach such a course for 19548  
a period of not more than one year. Any member of the physical 19549



therapy section may approve the person's or institution's 19550  
application. No person described in this division shall teach 19551  
such a course for longer than one year without obtaining a 19552  
license from the physical therapy section. 19553

(D) The physical therapy section may investigate any 19554  
person who allegedly has violated this section. The physical 19555  
therapy section has the same powers to investigate an alleged 19556  
violation of this section as those powers specified in section 19557  
4755.02 of the Revised Code. If, after investigation, the 19558  
physical therapy section determines that reasonable evidence 19559  
exists that a person has violated this section, within seven 19560  
days after that determination, the physical therapy section 19561  
shall send a written notice to that person in the same manner as 19562  
prescribed in section 119.07 of the Revised Code for licensees, 19563  
except that the notice shall specify that a hearing will be held 19564  
and specify the date, time, and place of the hearing. 19565

The physical therapy section shall hold a hearing 19566  
regarding the alleged violation in the same manner prescribed 19567  
for an adjudication hearing under section 119.09 of the Revised 19568  
Code. If the physical therapy section, after the hearing, 19569  
determines a violation has occurred, the physical therapy 19570  
section may discipline the person in the same manner as the 19571  
physical therapy section disciplines licensees under section 19572  
4755.47 of the Revised Code. The physical therapy section's 19573  
determination is an order that the person may appeal in 19574  
accordance with section 119.12 of the Revised Code. 19575

If a person who allegedly committed a violation of this 19576  
section fails to appear for a hearing, the physical therapy 19577  
section may request the court of common pleas of the county 19578  
where the alleged violation occurred to compel the person to 19579

appear before the physical therapy section for a hearing. If the 19580  
physical therapy section assesses a person a civil penalty for a 19581  
violation of this section and the person fails to pay that civil 19582  
penalty within the time period prescribed by the physical 19583  
therapy section, the physical therapy section shall forward to 19584  
the attorney general the name of the person and the amount of 19585  
the civil penalty for the purpose of collecting that civil 19586  
penalty. In addition to the civil penalty assessed pursuant to 19587  
this section, the person also shall pay any fee assessed by the 19588  
attorney general for collection of the civil penalty. 19589

**Sec. 4755.62.** (A) No person shall claim to the public to 19590  
be an athletic trainer or imply by words, actions, or letters 19591  
that the person is an athletic trainer, or otherwise engage in 19592  
the practice of athletic training, unless the person is licensed 19593  
as an athletic trainer pursuant to this chapter. 19594

(B) Except as otherwise provided in division (B) of 19595  
section 4755.65 of the Revised Code, no educational institution, 19596  
partnership, association, or corporation shall advertise or 19597  
otherwise offer to provide or convey the impression that it is 19598  
providing athletic training unless an individual licensed as an 19599  
athletic trainer pursuant to this chapter is employed by, or 19600  
under contract to, the educational institution, partnership, 19601  
association, or corporation and will be performing the athletic 19602  
training services to which reference is made. 19603

(C) To qualify for an athletic trainers license, a person 19604  
shall: 19605

(1) Have satisfactorily completed an application for 19606  
licensure in accordance with rules adopted by the athletic 19607  
trainers section of the Ohio occupational therapy, physical 19608  
therapy, and athletic trainers board under section 4755.61 of 19609

the Revised Code; 19610

(2) Have paid the examination fee required under this 19611  
section; 19612

(3) Be of good moral character; 19613

(4) Have shown, to the satisfaction of the athletic 19614  
trainers section, that the applicant has received a 19615  
baccalaureate or higher degree from an institution of higher 19616  
education, approved by the athletic trainers section of the 19617  
board and the federal regional accreditation agency and 19618  
recognized by the council on postsecondary accreditation, and 19619  
has satisfactorily completed the educational course work 19620  
requirements established by rule of the athletic trainers 19621  
section under section 4755.61 of the Revised Code. 19622

(5) In addition to educational course work requirements, 19623  
have obtained supervised clinical experience that meets the 19624  
requirements established in rules adopted by the athletic 19625  
trainers section under section 4755.61 of the Revised Code; 19626

(6) Have passed an examination adopted by the athletic 19627  
trainers section under division (A) (8) of section 4755.61 of the 19628  
Revised Code. Each applicant for licensure shall pay, at the 19629  
time of application, the nonrefundable examination fee set by 19630  
the athletic trainers section. 19631

(D) ~~The section may waive the requirements of division (C)~~ 19632  
~~of this section for any applicant who presents proof of current~~ 19633  
~~licensure shall issue a license to engage in the practice of~~ 19634  
~~athletic training in accordance with section 9.79 of the Revised~~ 19635  
~~Code to an applicant who holds a license in another state whose~~ 19636  
~~standards for licensure, as determined by the section, are equal~~ 19637  
~~to or greater than those in effect in this state on the date of~~ 19638

application or to an applicant who has satisfactory work 19639  
experience, a government certification, or a private 19640  
certification as described in that section as an athletic 19641  
trainer in a state that does not issue that license. 19642

(E) The section shall issue a license to every applicant 19643  
who complies with the requirements of division (C) of this 19644  
section, files the required application form, and pays the fees 19645  
required by section 4755.61 of the Revised Code. A license 19646  
issued under this section entitles the holder to engage in the 19647  
practice of athletic training, claim to the public to be an 19648  
athletic trainer, or to imply by words or letters that the 19649  
licensee is an athletic trainer. Each licensee shall display the 19650  
licensee's license in a conspicuous place at the licensee's 19651  
principal place of employment. 19652

**Sec. 4755.65.** (A) Nothing in sections 4755.61 to 4755.64 19653  
of the Revised Code shall be construed to prevent or restrict 19654  
the practice, services, or activities of any person who: 19655

(1) Is an individual authorized under Chapter 4731. of the 19656  
Revised Code to practice medicine and surgery, osteopathic 19657  
medicine and surgery, or podiatry, a dentist licensed under 19658  
Chapter 4715. of the Revised Code, a chiropractor licensed under 19659  
Chapter 4734. of the Revised Code, a dietitian licensed under 19660  
Chapter 4759. of the Revised Code, a physical therapist licensed 19661  
under this chapter, or a qualified member of any other 19662  
occupation or profession practicing within the scope of the 19663  
person's license or profession and who does not claim to the 19664  
public to be an athletic trainer; 19665

(2) Is employed as an athletic trainer by an agency of the 19666  
United States government and provides athletic training solely 19667  
under the direction or control of the agency by which the person 19668

is employed; 19669

(3) Is a student in an athletic training education program 19670  
approved by the athletic trainers section leading to a 19671  
baccalaureate or higher degree from an accredited college or 19672  
university and is performing duties that are a part of a 19673  
supervised course of study; 19674

(4) Is not an individual licensed as an athletic trainer 19675  
in this state who practices or offers to practice athletic 19676  
training while traveling with a visiting team or organization 19677  
from outside the state or an event approved by the section for 19678  
the purpose of providing athletic training to the visiting team, 19679  
organization, or event; 19680

(5) Provides athletic training only to relatives or in 19681  
medical emergencies; 19682

(6) Provides gratuitous care to friends or members of the 19683  
person's family; 19684

(7) Provides only self-care. 19685

(B) Nothing in this chapter shall be construed to prevent 19686  
any person licensed under Chapter 4723. of the Revised Code and 19687  
whose license is in good standing, any person authorized under 19688  
Chapter 4731. of the Revised Code to practice medicine and 19689  
surgery or osteopathic medicine and surgery and whose 19690  
certificate to practice is in good standing, any person 19691  
authorized under Chapter 4731. of the Revised Code to practice 19692  
podiatry and whose certificate to practice is in good standing, 19693  
any person licensed under Chapter 4734. of the Revised Code to 19694  
practice chiropractic and whose license is in good standing, any 19695  
person licensed as a dietitian under Chapter 4759. of the 19696  
Revised Code to practice dietetics and whose license is in good 19697

standing, any person licensed as a physical therapist under this 19698  
chapter to practice physical therapy and whose license is in 19699  
good standing, or any association, corporation, or partnership 19700  
from advertising, describing, or offering to provide athletic 19701  
training, or billing for athletic training if the athletic 19702  
training services are provided by a person licensed under this 19703  
chapter and practicing within the scope of the person's license, 19704  
by a person licensed under Chapter 4723. of the Revised Code and 19705  
practicing within the scope of the person's license, by a person 19706  
authorized under Chapter 4731. of the Revised Code to practice 19707  
podiatry, by a person authorized under Chapter 4731. of the 19708  
Revised Code to practice medicine and surgery or osteopathic 19709  
medicine and surgery, by a person licensed under Chapter 4734. 19710  
of the Revised Code to practice chiropractic, or by a person 19711  
licensed under Chapter 4759. of the Revised Code to practice 19712  
dietetics. 19713

(C) Nothing in this chapter shall be construed as 19714  
authorizing a licensed athletic trainer to practice medicine and 19715  
surgery, osteopathic medicine and surgery, podiatry, or 19716  
chiropractic. 19717

(D) The athletic trainer section of the occupational 19718  
therapy, physical therapy, and athletic trainers board shall not 19719  
require an individual licensed as an athletic trainer in another 19720  
state to obtain a license in accordance with section 9.79 of the 19721  
Revised Code to practice or offer to practice athletic training 19722  
in the manner described under division (A)(4) of this section. 19723

**Sec. 4757.18.** ~~The counselor, social worker, and marriage 19724~~  
~~and family therapist board may enter into a reciprocal agreement 19725~~  
~~with any state that regulates individuals practicing in the same 19726~~  
~~capacities as those regulated under this chapter if the board 19727~~

~~finds that the state has requirements substantially equivalent to the requirements this state has for receipt of a license or certificate of registration under this chapter. In a reciprocal agreement, the board agrees to issue the appropriate license or certificate of registration to any resident of the other state whose practice is currently authorized by that state if that state's regulatory body agrees to authorize the appropriate practice of any resident of this state who holds a valid license or certificate of registration issued under this chapter.~~

~~Subject to section 4757.25 of the Revised Code, the The professional standards committees of the counselor, social worker, and marriage and family therapist board mayshall, by endorsement, issue the appropriate license, temporary license, or certificate of registration in accordance with section 9.79 of the Revised Code to a resident of a state with which the board does not have a reciprocal agreement, if the person submits proof satisfactory to the committee of currently being licensed, certified, registered, or otherwise authorized to practice by that statean applicant if either of the following applies:~~

~~(A) The applicant holds a license or certificate of registration in another state.~~

~~(B) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section in a state that does not issue the license, temporary license, or certificate of registration for which the applicant is applying.~~

**Sec. 4758.25.** (A) The chemical dependency professionals board ~~may enter into a reciprocal agreement with any state that regulates individuals practicing in the same capacities as those~~

~~regulated under this chapter if the board finds that the state~~ 19758  
~~has requirements substantially equivalent to the requirements of~~ 19759  
~~this state to receive a license or certificate under this~~ 19760  
~~chapter.~~ 19761

~~The board may become a member of a national reciprocity~~ 19762  
~~organization that requires its members to have requirements~~ 19763  
~~substantially equivalent to the requirements of this state to~~ 19764  
~~receive a license or certificate to practice in the same~~ 19765  
~~capacities as those regulated under this chapter. If the board~~ 19766  
~~becomes a member of such an organization, the board shall~~ 19767  
~~consider itself to have a reciprocal agreement with the other~~ 19768  
~~states that are also members of the organization.~~ 19769

~~(B) The board may, by endorsement, shall issue the~~ 19770  
~~appropriate a license or, certificate, or endorsement in~~ 19771  
~~accordance with section 9.79 of the Revised Code to a resident~~ 19772  
~~of a~~ an applicant if either of the following applies: 19773

(1) The applicant holds a license, certificate, or 19774  
endorsement in another state with which the board does not have 19775  
a reciprocal agreement if both of the following apply: 19776

~~(1) The board finds that the state has requirements~~ 19777  
~~substantially equivalent to the requirements of this state for~~ 19778  
~~receipt of a license or certificate under this chapter.~~ 19779

~~(2) The individual submits proof satisfactory to the board~~ 19780  
~~of being currently authorized to practice by that state~~ 19781

(2) The applicant has satisfactory work experience, a 19782  
government certification, or a private certification as 19783  
described in that section in a state that does not issue the 19784  
license, certificate, or endorsement for which the applicant is 19785  
applying. 19786



~~(C) (B)~~ A license or certificate obtained by ~~reciprocity~~ 19787  
~~or endorsement~~ under this section may be renewed or restored 19788  
under section 4758.26 of the Revised Code if the individual 19789  
holding the license or certificate satisfies the renewal or 19790  
restoration requirements established by that section. An 19791  
individual holding a license or certificate obtained by ~~by~~ 19792  
~~reciprocity or endorsement~~ under this section may obtain, under 19793  
section 4758.24 of the Revised Code, a different license or 19794  
certificate available under this chapter if the individual meets 19795  
all of the requirements as specified in that section for the 19796  
license or certificate the individual seeks. 19797

**Sec. 4759.05.** (A) The Except as provided in division (E) 19798  
of this section, the state medical board shall adopt, amend, or 19799  
rescind rules pursuant to Chapter 119. of the Revised Code to 19800  
carry out the provisions of this chapter, including rules 19801  
governing the following: 19802

(1) Selection and approval of a dietitian licensure 19803  
examination offered by the commission on dietetic registration 19804  
or any other examination; 19805

(2) The examination of applicants for licensure as a 19806  
dietitian, as required under division (A) of section 4759.06 of 19807  
the Revised Code; 19808

(3) Requirements for pre-professional dietetic experience 19809  
of applicants for licensure as a dietitian that are at least 19810  
equivalent to the requirements adopted by the commission on 19811  
dietetic registration; 19812

(4) Requirements for a person holding a limited permit 19813  
under division (G) of section 4759.06 of the Revised Code, 19814  
including the duration of validity of a limited permit and 19815

procedures for renewal; 19816

(5) Continuing education requirements for renewal of a 19817  
license, including rules providing for pro rata reductions by 19818  
month of the number of hours of continuing education that must 19819  
be completed for license holders who have been disabled by 19820  
illness or accident or have been absent from the country. Rules 19821  
adopted under this division shall be consistent with the 19822  
continuing education requirements adopted by the commission on 19823  
dietetic registration. 19824

(6) Any additional education requirements the board 19825  
considers necessary, for applicants who have not practiced 19826  
dietetics within five years of the initial date of application 19827  
for licensure; 19828

(7) Standards of professional responsibility and practice 19829  
for persons licensed under this chapter that are consistent with 19830  
those standards of professional responsibility and practice 19831  
adopted by the academy of nutrition and dietetics; 19832

(8) Formulation of an application form for licensure or 19833  
license renewal; 19834

(9) Procedures for license renewal; 19835

(10) Requirements for criminal records checks of 19836  
applicants under section 4776.03 of the Revised Code. 19837

(B) (1) The board shall investigate evidence that appears 19838  
to show that a person has violated any provision of this chapter 19839  
or any rule adopted under it. Any person may report to the board 19840  
in a signed writing any information that the person may have 19841  
that appears to show a violation of any provision of this 19842  
chapter or any rule adopted under it. In the absence of bad 19843  
faith, any person who reports information of that nature or who 19844

testifies before the board in any adjudication conducted under 19845  
Chapter 119. of the Revised Code shall not be liable in damages 19846  
in a civil action as a result of the report or testimony. Each 19847  
complaint or allegation of a violation received by the board 19848  
shall be assigned a case number and shall be recorded by the 19849  
board. 19850

(2) Investigations of alleged violations of this chapter 19851  
or any rule adopted under it shall be supervised by the 19852  
supervising member elected by the board in accordance with 19853  
section 4731.02 of the Revised Code and by the secretary as 19854  
provided in section 4759.012 of the Revised Code. The president 19855  
may designate another member of the board to supervise the 19856  
investigation in place of the supervising member. No member of 19857  
the board who supervises the investigation of a case shall 19858  
participate in further adjudication of the case. 19859

(3) In investigating a possible violation of this chapter 19860  
or any rule adopted under this chapter, the board may issue 19861  
subpoenas, question witnesses, conduct interviews, administer 19862  
oaths, order the taking of depositions, inspect and copy any 19863  
books, accounts, papers, records, or documents, and compel the 19864  
attendance of witnesses and the production of books, accounts, 19865  
papers, records, documents, and testimony, except that a 19866  
subpoena for patient record information shall not be issued 19867  
without consultation with the attorney general's office and 19868  
approval of the secretary and supervising member of the board. 19869

Before issuance of a subpoena for patient record 19870  
information, the secretary and supervising member shall 19871  
determine whether there is probable cause to believe that the 19872  
complaint filed alleges a violation of this chapter or any rule 19873  
adopted under it and that the records sought are relevant to the 19874

alleged violation and material to the investigation. The 19875  
subpoena may apply only to records that cover a reasonable 19876  
period of time surrounding the alleged violation. 19877

On failure to comply with any subpoena issued by the board 19878  
and after reasonable notice to the person being subpoenaed, the 19879  
board may move for an order compelling the production of persons 19880  
or records pursuant to the Rules of Civil Procedure. 19881

A subpoena issued by the board may be served by a sheriff, 19882  
the sheriff's deputy, or a board employee or agent designated by 19883  
the board. Service of a subpoena issued by the board may be made 19884  
by delivering a copy of the subpoena to the person named 19885  
therein, reading it to the person, or leaving it at the person's 19886  
usual place of residence, usual place of business, or address on 19887  
file with the board. When serving a subpoena to an applicant for 19888  
or the holder of a license or limited permit issued under this 19889  
chapter, service of the subpoena may be made by certified mail, 19890  
return receipt requested, and the subpoena shall be deemed 19891  
served on the date delivery is made or the date the person 19892  
refuses to accept delivery. If the person being served refuses 19893  
to accept the subpoena or is not located, service may be made to 19894  
an attorney who notifies the board that the attorney is 19895  
representing the person. 19896

A sheriff's deputy who serves a subpoena shall receive the 19897  
same fees as a sheriff. Each witness who appears before the 19898  
board in obedience to a subpoena shall receive the fees and 19899  
mileage provided for under section 119.094 of the Revised Code. 19900

(4) All hearings, investigations, and inspections of the 19901  
board shall be considered civil actions for the purposes of 19902  
section 2305.252 of the Revised Code. 19903

(5) A report required to be submitted to the board under 19904  
this chapter, a complaint, or information received by the board 19905  
pursuant to an investigation is confidential and not subject to 19906  
discovery in any civil action. 19907

The board shall conduct all investigations or inspections 19908  
and proceedings in a manner that protects the confidentiality of 19909  
patients and persons who file complaints with the board. The 19910  
board shall not make public the names or any other identifying 19911  
information about patients or complainants unless proper consent 19912  
is given. 19913

The board may share any information it receives pursuant 19914  
to an investigation or inspection, including patient records and 19915  
patient record information, with law enforcement agencies, other 19916  
licensing boards, and other governmental agencies that are 19917  
prosecuting, adjudicating, or investigating alleged violations 19918  
of statutes or administrative rules. An agency or board that 19919  
receives the information shall comply with the same requirements 19920  
regarding confidentiality as those with which the state medical 19921  
board must comply, notwithstanding any conflicting provision of 19922  
the Revised Code or procedure of the agency or board that 19923  
applies when it is dealing with other information in its 19924  
possession. In a judicial proceeding, the information may be 19925  
admitted into evidence only in accordance with the Rules of 19926  
Evidence, but the court shall require that appropriate measures 19927  
are taken to ensure that confidentiality is maintained with 19928  
respect to any part of the information that contains names or 19929  
other identifying information about patients or complainants 19930  
whose confidentiality was protected by the state medical board 19931  
when the information was in the board's possession. Measures to 19932  
ensure confidentiality that may be taken by the court include 19933  
sealing its records or deleting specific information from its 19934

records. 19935

(6) On a quarterly basis, the board shall prepare a report 19936  
that documents the disposition of all cases during the preceding 19937  
three months. The report shall contain the following information 19938  
for each case with which the board has completed its activities: 19939

(a) The case number assigned to the complaint or alleged 19940  
violation; 19941

(b) The type of license, if any, held by the individual 19942  
against whom the complaint is directed; 19943

(c) A description of the allegations contained in the 19944  
complaint; 19945

(d) The disposition of the case. 19946

The report shall state how many cases are still pending 19947  
and shall be prepared in a manner that protects the identity of 19948  
each person involved in each case. The report shall be a public 19949  
record under section 149.43 of the Revised Code. 19950

(C) The board shall keep records as are necessary to carry 19951  
out the provisions of this chapter. 19952

(D) The board shall maintain and publish on its internet 19953  
web site the board's rules and requirements for licensure 19954  
adopted under division (A) of this section. 19955

(E) The board shall issue a license or limited permit to 19956  
practice dietetics in accordance with section 9.79 of the 19957  
Revised Code to an applicant if either of the following apply: 19958

(1) The applicant holds a license or permit in another 19959  
state. 19960

(2) The applicant has satisfactory work experience, a 19961

government certification, or a private certification as 19962  
described in that section as a dietitian in a state that does 19963  
not issue that license. 19964

**Sec. 4759.06.** (A) The Except as provided in section 19965  
4759.05 of the Revised Code, the state medical board shall issue 19966  
a license to practice dietetics to an applicant who meets all of 19967  
the following requirements: 19968

(1) Has satisfactorily completed an application for 19969  
licensure in accordance with rules adopted under division (A) of 19970  
section 4759.05 of the Revised Code; 19971

(2) Has paid the fee required under division (A) of 19972  
section 4759.08 of the Revised Code; 19973

(3) Is of good moral character; 19974

(4) Has received a baccalaureate or higher degree from an 19975  
institution of higher education that is approved by the board or 19976  
a regional accreditation agency that is recognized by the 19977  
council on postsecondary accreditation, and has completed a 19978  
program consistent with the academic standards for dietitians 19979  
established by the academy of nutrition and dietetics; 19980

(5) Has successfully completed a pre-professional dietetic 19981  
experience approved by the academy of nutrition and dietetics, 19982  
or experience approved by the board under division (A) (3) of 19983  
section 4759.05 of the Revised Code; 19984

(6) Has passed the examination approved by the board under 19985  
division (A) (1) of section 4759.05 of the Revised Code. 19986

(B) The board shall waive the requirements of divisions 19987  
(A) (4), (5), and (6) of this section and any rules adopted under 19988  
division (A) (6) of section 4759.05 of the Revised Code if the 19989

applicant presents satisfactory evidence to the board of current 19990  
registration as a registered dietitian with the commission on 19991  
dietetic registration. 19992

(C) (1) The board shall issue a license to practice 19993  
dietetics to an applicant who meets the requirements of division 19994  
(A) of this section. A license shall be valid for a two-year 19995  
period unless revoked or suspended by the board and shall expire 19996  
on the date that is two years after the date of issuance. A 19997  
license may be renewed for additional two-year periods. 19998

(2) The board shall renew an applicant's license if the 19999  
applicant has paid the license renewal fee specified in section 20000  
4759.08 of the Revised Code and certifies to the board that the 20001  
applicant has met the continuing education requirements adopted 20002  
under division (A) (5) of section 4759.05 of the Revised Code. 20003  
The renewal shall be pursuant to the standard renewal procedure 20004  
of sections 4745.01 to 4745.03 of the Revised Code. 20005

At least one month before a license expires, the board 20006  
shall provide a renewal notice. Failure of any person to receive 20007  
a notice of renewal from the board shall not excuse the person 20008  
from the requirements contained in this section. Each person 20009  
holding a license shall give notice to the board of a change in 20010  
the license holder's residence address, business address, or 20011  
electronic mail address not later than thirty days after the 20012  
change occurs. 20013

(D) Any person licensed to practice dietetics by the 20014  
former Ohio board of dietetics before January 21, 2018, may 20015  
continue to practice dietetics in this state under that license 20016  
if the person continues to meet the requirements to renew a 20017  
license under this chapter and renews the license through the 20018  
state medical board. 20019



The state medical board may take any of the following 20020  
actions, as provided in section 4759.07 of the Revised Code, 20021  
against the holder of a license to practice dietetics issued 20022  
before January 21, 2018, by the former Ohio board of dietetics: 20023

(1) Limit, revoke, or suspend the holder's license; 20024

(2) Refuse to renew or reinstate the holder's license; 20025

(3) Reprimand the holder or place the holder on probation. 20026

(E) The board may require a random sample of dietitians to 20027  
submit materials documenting that the continuing education 20028  
requirements adopted under division (A) (5) of section 4759.05 of 20029  
the Revised Code have been met. 20030

This division does not limit the board's authority to 20031  
conduct investigations pursuant to section 4759.07 of the 20032  
Revised Code. 20033

(F) (1) If, through a random sample conducted under 20034  
division (E) of this section or any other means, the board finds 20035  
that an individual who certified completion of the number of 20036  
hours and type of continuing education required to renew, 20037  
reinstate, or restore a license to practice did not complete the 20038  
requisite continuing education, the board may do either of the 20039  
following: 20040

(a) Take disciplinary action against the individual under 20041  
section 4759.07 of the Revised Code, impose a civil penalty, or 20042  
both; 20043

(b) Permit the individual to agree in writing to complete 20044  
the continuing education and pay a civil penalty. 20045

~~(4)~~ (2) The board's finding in any disciplinary action 20046  
taken under division (F) (1) (a) of this section shall be made 20047

pursuant to an adjudication under Chapter 119. of the Revised 20048  
Code and by an affirmative vote of not fewer than six of its 20049  
members. 20050

~~(5)~~(3) A civil penalty imposed under division (F)(1)(a) of 20051  
this section or paid under division (F)(1)(b) of this section 20052  
shall be in an amount specified by the board of not more than 20053  
five thousand dollars. The board shall deposit civil penalties 20054  
in accordance with section 4731.24 of the Revised Code. 20055

(G)(1) ~~The~~ Except as provided in section 4759.05 of the 20056  
Revised Code, the board may grant a limited permit to a person 20057  
who has completed the education and pre-professional 20058  
requirements of divisions (A)(4) and (5) of this section and who 20059  
presents evidence to the board of having applied to take the 20060  
examination approved by the board under division (A)(1) of 20061  
section 4759.05 of the Revised Code. An application for a 20062  
limited permit shall be made on forms that the board shall 20063  
furnish and shall be accompanied by the limited permit fee 20064  
specified in section 4759.08 of the Revised Code. 20065

(2) If no grounds apply under section 4759.07 of the 20066  
Revised Code for denying a license to the applicant and the 20067  
applicant meets the requirements of division (G)(1) of this 20068  
section, the board shall issue a limited permit to the 20069  
applicant. 20070

A limited permit expires in accordance with rules adopted 20071  
under section 4759.05 of the Revised Code. A limited permit may 20072  
be renewed in accordance with those rules. 20073

(3) A person holding a limited permit who has failed the 20074  
examination shall practice only under the direct supervision of 20075  
a licensed dietitian. 20076

(4) The board may revoke a limited permit on proof 20077  
satisfactory to the board that the permit holder has engaged in 20078  
practice in this state outside the scope of the permit, that the 20079  
holder has engaged in unethical conduct, or that grounds for 20080  
action against the holder exist under section 4759.07 of the 20081  
Revised Code. 20082

**Sec. 4760.03.** (A) ~~An~~ Except as provided in division (D) of 20083  
this section, an individual seeking a license to practice as an 20084  
anesthesiologist assistant shall file with the state medical 20085  
board a written application on a form prescribed and supplied by 20086  
the board. The application shall include all of the following 20087  
information: 20088

(1) Evidence satisfactory to the board that the applicant 20089  
is at least twenty-one years of age and of good moral character; 20090

(2) Evidence satisfactory to the board that the applicant 20091  
has successfully completed the training necessary to prepare 20092  
individuals to practice as anesthesiologist assistants, as 20093  
specified in section 4760.031 of the Revised Code; 20094

(3) Evidence satisfactory to the board that the applicant 20095  
holds current certification from the national commission for 20096  
certification of anesthesiologist assistants and that the 20097  
requirements for receiving the certification included passage of 20098  
an examination to determine the individual's competence to 20099  
practice as an anesthesiologist assistant; 20100

(4) Any other information the board considers necessary to 20101  
process the application and evaluate the applicant's 20102  
qualifications. 20103

(B) (1) At the time of making application for a license\_ 20104  
under division (A) of this section, the ~~an~~ applicant shall pay 20105

the board a fee of one hundred dollars, no part of which shall  
be returned.

(2) An applicant seeking a license under division (D) of  
this section shall pay the fee required under section 9.79 of  
the Revised Code.

(C) The board shall review all applications received under  
this section. Not later than sixty days after receiving a  
complete application, the board shall determine whether an  
applicant meets the requirements to receive a license. ~~The~~  
Except as provided in division (D) of this section, the board  
shall not issue a license to an applicant unless the applicant  
is certified by the national commission for certification of  
anesthesiologist assistants or a successor organization that is  
recognized by the board.

(D) The board shall issue a license to practice as an  
anesthesiologist assistant in accordance with section 9.79 of  
the Revised Code to an applicant if either of the following  
applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a  
government certification, or a private certification as  
described in that section as an anesthesiologist assistant in a  
state that does not issue that license.

**Sec. 4760.031.** ~~As~~ Except for a license issued under  
division (D) of section 4760.03 of the Revised Code, as a  
condition of being eligible to receive a license to practice as  
an anesthesiologist assistant, an individual must successfully  
complete the following training requirements:

(A) A baccalaureate or higher degree program at an

institution of higher education accredited by an organization 20135  
recognized by the department of higher education. The program 20136  
must have included courses in the following areas of study: 20137

(1) General biology; 20138

(2) General chemistry; 20139

(3) Organic chemistry; 20140

(4) Physics; 20141

(5) Calculus. 20142

(B) A training program conducted for the purpose of 20143  
preparing individuals to practice as anesthesiologist 20144  
assistants. If the program was completed prior to May 31, 2000, 20145  
the program must have been completed at case western reserve 20146  
university or emory university in Atlanta, Georgia. If the 20147  
program is completed on or after May 31, 2000, the program must 20148  
be a graduate-level program accredited by the commission on 20149  
accreditation of allied health education programs or any of the 20150  
commission's successor organizations. In either case, the 20151  
training program must have included at least all of the 20152  
following components: 20153

(1) Basic sciences of anesthesia: physiology, 20154  
pathophysiology, anatomy, and biochemistry. The courses must be 20155  
presented as a continuum of didactic courses designed to teach 20156  
students the foundations of human biological existence on which 20157  
clinical correlations to anesthesia practice are based. 20158

(2) Pharmacology for the anesthetic sciences. The course 20159  
must include instruction in the anesthetic principles of 20160  
pharmacology, pharmacodynamics, pharmacokinetics, uptake and 20161  
distribution, intravenous anesthetics and narcotics, and 20162

volatile anesthetics.	20163
(3) Physics in anesthesia.	20164
(4) Fundamentals of anesthetic sciences, presented as a	20165
continuum of courses covering a series of topics in basic	20166
medical sciences with special emphasis on the effects of	20167
anesthetics on normal physiology and pathophysiology.	20168
(5) Patient instrumentation and monitoring, presented as a	20169
continuum of courses focusing on the design of, proper	20170
preparation of, and proper methods of resolving problems that	20171
arise with anesthesia equipment. The courses must provide a	20172
balance between the engineering concepts used in anesthesia	20173
instruments and the clinical application of anesthesia	20174
instruments.	20175
(6) Clinically based conferences in which techniques of	20176
anesthetic management, quality assurance issues, and current	20177
professional literature are reviewed from the perspective of	20178
practice improvement.	20179
(7) Clinical experience consisting of at least two	20180
thousand hours of direct patient contact, presented as a	20181
continuum of courses throughout the entirety of the program,	20182
beginning with a gradual introduction of the techniques for the	20183
anesthetic management of patients and culminating in the	20184
assimilation of the graduate of the program into the work force.	20185
Areas of instruction must include the following:	20186
(a) Preoperative patient assessment;	20187
(b) Indwelling vascular catheter placement, including	20188
intravenous and arterial catheters;	20189
(c) Airway management, including mask airway and	20190

orotracheal intubation;	20191
(d) Intraoperative charting;	20192
(e) Administration and maintenance of anesthetic agents, narcotics, hypnotics, and muscle relaxants;	20193 20194
(f) Administration and maintenance of volatile anesthetics;	20195 20196
(g) Administration of blood products and fluid therapy;	20197
(h) Patient monitoring;	20198
(i) Postoperative management of patients;	20199
(j) Regional anesthesia techniques;	20200
(k) Administration of vasoactive substances for treatment of unacceptable patient hemodynamic status;	20201 20202
(l) Specific clinical training in all the subspecialties of anesthesia, including pediatrics, neurosurgery, cardiovascular surgery, trauma, obstetrics, orthopedics, and vascular surgery.	20203 20204 20205 20206
(8) Basic life support that qualifies the individual to administer cardiopulmonary resuscitation to patients in need. The course must include the instruction necessary to be certified in basic life support by the American red cross or the American heart association.	20207 20208 20209 20210 20211
(9) Advanced cardiac life support that qualifies the individual to participate in the pharmacologic intervention and management resuscitation efforts for a patient in full cardiac arrest. The course must include the instruction necessary to be certified in advanced cardiac life support by the American red cross or the American heart association.	20212 20213 20214 20215 20216 20217

Sec. 4761.04. (A) Except as provided in division (B) or 20218  
(C) of this section, no person is eligible for licensure as a 20219  
respiratory care professional unless the person has shown, to 20220  
the satisfaction of the state medical board, all of the 20221  
following: 20222

(1) That the person is of good moral character; 20223

(2) That the person has successfully completed the 20224  
requirements of an educational program approved by the board 20225  
that includes instruction in the biological and physical 20226  
sciences, pharmacology, respiratory care theory, procedures, and 20227  
clinical practice, and cardiopulmonary rehabilitation 20228  
techniques; 20229

(3) That the person has passed an examination approved 20230  
under rules adopted by the board that tests the applicant's 20231  
knowledge of the basic and clinical sciences relating to 20232  
respiratory care theory and practice, professional skills and 20233  
judgment in the utilization of respiratory care techniques, and 20234  
such other subjects as the board considers useful in determining 20235  
fitness to practice. 20236

(B) Any person licensed to practice respiratory care by 20237  
the former Ohio respiratory care board before January 21, 2018, 20238  
may continue to practice respiratory care in this state under 20239  
that license if the person continues to meet the requirements to 20240  
renew a license under this chapter and renews the license 20241  
through the state medical board. 20242

The state medical board may take any of the following 20243  
actions, as provided in section 4761.09 of the Revised Code, 20244  
against the holder of a license to practice respiratory care 20245  
issued before January 21, 2018, by the former Ohio respiratory 20246



care board: 20247

(1) Limit, revoke, or suspend the holder's license; 20248

(2) Refuse to renew or reinstate the holder's license; 20249

(3) Reprimand the holder or place the holder on probation. 20250

(C) The board shall issue a license to act as a 20251  
respiratory care professional in accordance with section 9.79 of 20252  
the Revised Code to an applicant if either of the following 20253  
apply: 20254

(1) The applicant holds a license in another state. 20255

(2) The applicant has satisfactory work experience, a 20256  
government certification, or a private certification as 20257  
described in that section as a respiratory care professional in 20258  
a state that does not issue that license. 20259

**Sec. 4761.05.** (A) The Except as provided in division (C) 20260  
of section 4761.04 of the Revised Code, the state medical board 20261  
shall issue a license to any applicant who complies with the 20262  
requirements of section 4761.04 of the Revised Code, files the 20263  
prescribed application form, and pays the fee or fees required 20264  
under section 4761.07 of the Revised Code. The license entitles 20265  
the holder to practice respiratory care. 20266

(B) (1) The Except as provided in division (D) of this 20267  
section, the board shall issue a limited permit to any applicant 20268  
who meets the requirements of division (A) (1) of section 4761.04 20269  
of the Revised Code, files an application on a form furnished by 20270  
the board, pays the fee required under section 4761.07 of the 20271  
Revised Code, and meets either of the following requirements: 20272

(a) Is enrolled in and is in good standing in a 20273  
respiratory care educational program approved by the board that 20274

meets the requirements of division (A) (2) of section 4761.04 of 20275  
the Revised Code leading to a degree or certificate of 20276  
completion or is a graduate of the program; 20277

(b) Is employed as a provider of respiratory care in this 20278  
state and was employed as a provider of respiratory care in this 20279  
state prior to March 14, 1989. 20280

(2) If no grounds apply under section 4761.09 of the 20281  
Revised Code for denying a limited permit to the applicant and 20282  
the applicant meets the requirements of division (B) of this 20283  
section, the board shall issue a limited permit to the 20284  
applicant. 20285

The limited permit authorizes the holder to provide 20286  
respiratory care under the supervision of a respiratory care 20287  
professional. A person issued a limited permit under division 20288  
(B) (1) (a) of this section may practice respiratory care under 20289  
the limited permit for not more than three years after the date 20290  
the limited permit is issued, except that the limited permit 20291  
shall cease to be valid one year following the date of receipt 20292  
of a certificate of completion from a board-approved respiratory 20293  
care education program or immediately if the holder discontinues 20294  
participation in the educational program. 20295

The holder shall notify the board as soon as practicable 20296  
when the holder completes a board-approved respiratory care 20297  
education program or discontinues participation in the 20298  
educational program. 20299

This division does not require a student enrolled in an 20300  
educational program leading to a degree or certificate of 20301  
completion in respiratory care approved by the board to obtain a 20302  
limited permit to perform any duties that are part of the 20303

required course of study. 20304

(3) A person issued a limited permit under division (B) (1) 20305  
(b) of this section may practice under a limited permit for not 20306  
more than three years, except that this restriction does not 20307  
apply to a permit holder who, on March 14, 1989, has been 20308  
employed as a provider of respiratory care for an average of not 20309  
less than twenty-five hours per week for a period of not less 20310  
than five years by a hospital. 20311

(4) During the three-year period in which a person may 20312  
practice under a limited permit, the person shall apply for 20313  
renewal on an annual basis in accordance with section 4761.06 of 20314  
the Revised Code. 20315

(5) The board may revoke a limited permit upon proof 20316  
satisfactory to the board that the permit holder has engaged in 20317  
practice in this state outside the scope of the permit, that the 20318  
holder has engaged in unethical conduct, or that there are 20319  
grounds for action against the holder under section 4761.09 of 20320  
the Revised Code. 20321

(C) The holder of a license or limited permit issued under 20322  
this section shall either provide verification of licensure or 20323  
permit status from the board's internet web site on request or 20324  
prominently display a wall certificate in the license holder's 20325  
office or place where the majority of the holder's practice is 20326  
conducted. 20327

(D) The board shall issue a limited permit to practice 20328  
respiratory care in accordance with section 9.79 of the Revised 20329  
Code to an applicant if either of the following applies: 20330

(1) The applicant holds a license or permit in another 20331  
state. 20332

(2) The applicant has satisfactory work experience, a 20333  
government certification, or a private certification as 20334  
described in that section as a provider of respiratory care in a 20335  
state that does not issue that license. 20336

**Sec. 4762.03.** (A) ~~An~~ Except as provided in division (D) of 20337  
this section, an individual seeking a license to practice as an 20338  
oriental medicine practitioner or license to practice as an 20339  
acupuncturist shall file with the state medical board a written 20340  
application on a form prescribed and supplied by the board. 20341

(B) ~~To~~ Except as provided in division (D) of this section, 20342  
to be eligible for the license, an applicant shall meet all of 20343  
the following conditions, as applicable: 20344

(1) The applicant shall submit evidence satisfactory to 20345  
the board that the applicant is at least eighteen years of age 20346  
and of good moral character. 20347

(2) In the case of an applicant seeking a license to 20348  
practice as an oriental medicine practitioner, the applicant 20349  
shall submit evidence satisfactory to the board of both of the 20350  
following: 20351

(a) That the applicant holds a current and active 20352  
designation from the national certification commission for 20353  
acupuncture and oriental medicine as either a diplomate in 20354  
oriental medicine or diplomate of acupuncture and Chinese 20355  
herbology; 20356

(b) That the applicant has successfully completed, in the 20357  
two-year period immediately preceding application for the 20358  
license to practice, one course approved by the commission on 20359  
federal food and drug administration dispensary and compounding 20360  
guidelines and procedures. 20361

(3) In the case of an applicant seeking a license to practice as an acupuncturist, the applicant shall submit evidence satisfactory to the board that the applicant holds a current and active designation from the national certification commission for acupuncture and oriental medicine as a diplomate in acupuncture.

(4) The applicant shall demonstrate to the board proficiency in spoken English by satisfying one of the following requirements:

(a) Passing the examination described in section 4731.142 of the Revised Code;

(b) Submitting evidence satisfactory to the board that the applicant was required to demonstrate proficiency in spoken English as a condition of obtaining designation from the national certification commission for acupuncture and oriental medicine as a diplomate in oriental medicine, diplomate of acupuncture and Chinese herbology, or diplomate in acupuncture;

(c) Submitting evidence satisfactory to the board that the applicant, in seeking a designation from the national certification commission for acupuncture and oriental medicine as a diplomate of oriental medicine, diplomate of acupuncture and Chinese herbology, or diplomate of acupuncture, has successfully completed in English the examination required for such a designation by the national certification commission for acupuncture and oriental medicine;

(d) In the case of an applicant seeking a license to practice as an oriental medicine practitioner, submitting evidence satisfactory to the board that the applicant has previously held a license to practice as an acupuncturist issued

under section 4762.04 of the Revised Code. 20391

(5) The applicant shall submit to the board any other 20392  
information the board requires. 20393

(6) The applicant shall pay to the board a fee of one 20394  
hundred dollars, no part of which may be returned to the 20395  
applicant. 20396

(C) The board shall review all applications received under 20397  
this section. The board shall determine whether an applicant 20398  
meets the requirements to receive a license not later than sixty 20399  
days after receiving a complete application. 20400

(D) The board shall issue a license to practice as an 20401  
oriental medicine practitioner or acupuncturist in accordance 20402  
with section 9.79 of the Revised Code to an applicant if either 20403  
of the following applies: 20404

(1) The applicant holds a license in another state. 20405

(2) The applicant has satisfactory work experience, a 20406  
government certification, or a private certification as 20407  
described in that section as an oriental medicine practitioner 20408  
or acupuncturist in a state that does not issue that license. 20409

**Sec. 4763.05.** (A) (1) (a) A person shall make application 20410  
for an initial state-certified general real estate appraiser 20411  
certificate, an initial state-certified residential real estate 20412  
appraiser certificate, an initial state-licensed residential 20413  
real estate appraiser license, or an initial state-registered 20414  
real estate appraiser assistant registration in writing to the 20415  
superintendent of real estate on a form the superintendent 20416  
prescribes. The application shall include the address of the 20417  
applicant's principal place of business and all other addresses 20418  
at which the applicant currently engages in the business of 20419

performing real estate appraisals and the address of the 20420  
applicant's current residence. The superintendent shall retain 20421  
the applicant's current residence address in a separate record 20422  
which does not constitute a public record for purposes of 20423  
section 149.43 of the Revised Code. The application shall 20424  
indicate whether the applicant seeks certification as a general 20425  
real estate appraiser or as a residential real estate appraiser, 20426  
licensure as a residential real estate appraiser, or 20427  
registration as a real estate appraiser assistant and be 20428  
accompanied by the prescribed examination and certification, 20429  
registration, or licensure fees set forth in section 4763.09 of 20430  
the Revised Code. The application also shall include a pledge, 20431  
signed by the applicant, that the applicant will comply with the 20432  
standards set forth in this chapter; and a statement that the 20433  
applicant understands the types of misconduct for which 20434  
disciplinary proceedings may be initiated against the applicant 20435  
pursuant to this chapter. 20436

(b) Upon the filing of an application and payment of any 20437  
examination and certification, registration, or licensure fees, 20438  
the superintendent of real estate shall request the 20439  
superintendent of the bureau of criminal identification and 20440  
investigation, or a vendor approved by the bureau, to conduct a 20441  
criminal records check based on the applicant's fingerprints in 20442  
accordance with section 109.572 of the Revised Code. 20443  
Notwithstanding division (K) of section 121.08 of the Revised 20444  
Code, the superintendent of real estate shall request that 20445  
criminal record information from the federal bureau of 20446  
investigation be obtained as part of the criminal records check. 20447  
Any fee required under division (C) (3) of section 109.572 of the 20448  
Revised Code shall be paid by the applicant. 20449

(2) For purposes of providing funding for the real estate 20450

appraiser recovery fund established by section 4763.16 of the Revised Code, the real estate appraiser board shall levy an assessment against each person issued an initial certificate, registration, or license and against current licensees, registrants, and certificate holders, as required by board rule. The assessment is in addition to the application and examination fees for initial applicants required by division (A)(1) of this section and the renewal fees required for current certificate holders, registrants, and licensees. The superintendent of real estate shall deposit the assessment into the state treasury to the credit of the real estate appraiser recovery fund. The assessment for initial certificate holders, registrants, and licensees shall be paid prior to the issuance of a certificate, registration, or license, and for current certificate holders, registrants, and licensees, at the time of renewal.

(B) An applicant for an initial general real estate appraiser certificate, residential real estate appraiser certificate, or residential real estate appraiser license shall possess experience in real estate appraisal as the board prescribes by rule. In addition to any other information required by the board, the applicant shall furnish, under oath, a detailed listing of the appraisal reports or file memoranda for each year for which experience is claimed and, upon request of the superintendent or the board, shall make available for examination a sample of the appraisal reports prepared by the applicant in the course of the applicant's practice.

(C) An applicant for an initial certificate, registration, or license shall be at least eighteen years of age, honest, truthful, and of good reputation and shall present satisfactory evidence to the superintendent that the applicant has successfully completed any education requirements the board



prescribes by rule.

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(D) An applicant for an initial general real estate appraiser or residential real estate appraiser certificate or residential real estate appraiser license shall take and successfully complete a written examination in order to qualify for the certificate or license.

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The board shall prescribe the examination requirements by rule.

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(E) (1) ~~A person who has obtained~~ The board shall issue a residential real estate appraiser license, a residential real estate appraiser certificate, real estate appraiser assistant registration, or a general real estate appraiser certificate ~~from another state may apply to obtain a license or certificate issued under this chapter provided the state that issued the license or certificate has requirements that meet or exceed the requirements found in this chapter. The board shall adopt rules relating to this division. The application for obtaining a license or certificate under this division may include any of the following:~~

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~~(a) A pledge, signed by the applicant, that the applicant will comply with the standards set forth in this chapter;~~

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~~(b) A statement that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated against the applicant pursuant to this chapter;~~

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~~(c) A consent to service of process~~ in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies:

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(a) The applicant holds a certificate, license, or registration in another state.

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(b) The applicant has satisfactory work experience, a 20511  
government certification, or a private certification as 20512  
described in that section as a residential real estate 20513  
appraiser, real estate appraiser assistant, or general real 20514  
estate appraiser in a state that does not issue that 20515  
certificate, license, or registration. 20516

(2) (a) The board shall recognize on a temporary basis a 20517  
certification or license issued in another state and shall 20518  
register on a temporary basis an appraiser who is certified or 20519  
licensed in another state if all of the following apply: 20520

(i) The temporary registration is to perform an appraisal 20521  
assignment that is part of a federally related transaction. 20522

(ii) The appraiser's business in this state is of a 20523  
temporary nature. 20524

(iii) The appraiser registers with the board pursuant to 20525  
this division. 20526

(b) An appraiser who is certified or licensed in another 20527  
state shall register with the board for temporary practice 20528  
before performing an appraisal assignment in this state in 20529  
connection with a federally related transaction. 20530

(c) The board shall adopt rules relating to registration 20531  
for the temporary recognition of certification and licensure of 20532  
appraisers from another state. The registration for temporary 20533  
recognition of certified or licensed appraisers from another 20534  
state shall not authorize completion of more than one appraisal 20535  
assignment in this state. The board shall not issue more than 20536  
two registrations for temporary practice to any one applicant in 20537  
any calendar year. The application for obtaining a registration 20538  
under this division may include any of the following: 20539

(i) A pledge, signed by the applicant, that the applicant will comply with the standards set forth in this chapter;

(ii) A statement that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated against the applicant pursuant to this chapter;

(iii) A consent to service of process.

~~(3) The board may enter into reciprocal agreements with other states. The board shall prescribe reciprocal agreement requirements by rule.~~ (d) An appraiser whose certification or license has been recognized by the board on a temporary basis and who is acting in accordance with this section and the board's rules is not required to obtain a license in accordance with section 9.79 of the Revised Code.

(F) The superintendent shall not issue a certificate, registration, or license to, or recognize on a temporary basis an appraiser from another state that is a corporation, partnership, or association. This prohibition shall not be construed to prevent a certificate holder or licensee from signing an appraisal report on behalf of a corporation, partnership, or association.

(G) Every person licensed, registered, or certified under this chapter shall notify the superintendent, on a form provided by the superintendent, of a change in the address of the licensee's, registrant's, or certificate holder's principal place of business or residence within thirty days of the change. If a licensee's, registrant's, or certificate holder's license, registration, or certificate is revoked or not renewed, the licensee, registrant, or certificate holder immediately shall return the annual and any renewal certificate, registration, or

license to the superintendent. 20569

(H) (1) The superintendent shall not issue a certificate, 20570  
registration, or license to any person, or recognize on a 20571  
temporary basis an appraiser from another state, who does not 20572  
meet applicable minimum criteria for state certification, 20573  
registration, or licensure prescribed by federal law or rule. 20574

(2) The superintendent shall not issue a general real 20575  
estate appraiser certificate, residential real estate appraiser 20576  
certificate, residential real estate appraiser license, or real 20577  
estate appraiser assistant registration to any person who has 20578  
been convicted of or pleaded guilty to any criminal offense 20579  
involving theft, receiving stolen property, embezzlement, 20580  
forgery, fraud, passing bad checks, money laundering, or drug 20581  
trafficking, or any criminal offense involving money or 20582  
securities, including a violation of an existing or former law 20583  
of this state, any other state, or the United States that 20584  
substantially is equivalent to such an offense. However, if the 20585  
applicant has pleaded guilty to or been convicted of such an 20586  
offense, the superintendent shall not consider the offense if 20587  
the applicant has proven to the superintendent, by a 20588  
preponderance of the evidence, that the applicant's activities 20589  
and employment record since the conviction show that the 20590  
applicant is honest, truthful, and of good reputation, and there 20591  
is no basis in fact for believing that the applicant will commit 20592  
such an offense again. 20593

**Sec. 4764.10.** (A) The superintendent of real estate and 20594  
professional licensing may issue a home inspector license to an 20595  
applicant who holds a license, registration, or certification as 20596  
a home inspector in another jurisdiction other than another 20597  
state if that applicant submits an application on a form the 20598

superintendent provides, pays the fee the Ohio home inspector 20599  
board prescribes, and satisfies all of the following 20600  
requirements: 20601

~~(A)~~ (1) The applicant is licensed, registered, or 20602  
certified as a home inspector in a jurisdiction that the board 20603  
determines grants the same privileges to persons licensed under 20604  
this chapter as this state grants to persons in that 20605  
jurisdiction. 20606

~~(B)~~ (2) That other jurisdiction has licensing, 20607  
registration, or certification requirements that are 20608  
substantially similar to, or exceed, those of this state. 20609

~~(C)~~ (3) The applicant attests that the applicant is 20610  
familiar with and will abide by this chapter. 20611

~~(D)~~ (4) The applicant attests to all of the following in a 20612  
written statement that the applicant submits to the 20613  
superintendent: 20614

~~(1)~~ (a) To provide the superintendent the name and address 20615  
of an agent to receive service of process in this state or that 20616  
the applicant authorizes the superintendent to act as agent for 20617  
that applicant; 20618

~~(2)~~ (b) That service of process in accordance with the 20619  
Revised Code is proper and the applicant is subject to the 20620  
jurisdiction of the courts of this state; 20621

~~(3)~~ (c) That any cause of action arising out of the 20622  
conduct of the applicant's business in this state shall be filed 20623  
in the county in which the events that gave rise to that cause 20624  
of action occurred. 20625

(B) The board shall issue a home inspector license in 20626

accordance with section 9.79 of the Revised Code to an applicant 20627  
if either of the following applies: 20628

(1) The applicant holds a license in another state. 20629

(2) The applicant has satisfactory work experience, a 20630  
government certification, or a private certification as 20631  
described in that section as a home inspector in a state that 20632  
does not issue that license. 20633

**Sec. 4765.10.** (A) The state board of emergency medical, 20634  
fire, and transportation services shall do all of the following: 20635

(1) Administer and enforce the provisions of this chapter 20636  
and the rules adopted under it; 20637

(2) Approve, in accordance with procedures established in 20638  
rules adopted under section 4765.11 of the Revised Code, 20639  
examinations that demonstrate competence to have a certificate 20640  
to practice renewed without completing a continuing education 20641  
program; 20642

(3) Advise applicants for state or federal emergency 20643  
medical services funds, review and comment on applications for 20644  
these funds, and approve the use of all state and federal funds 20645  
designated solely for emergency medical service programs unless 20646  
federal law requires another state agency to approve the use of 20647  
all such federal funds; 20648

(4) Serve as a statewide clearinghouse for discussion, 20649  
inquiry, and complaints concerning emergency medical services; 20650

(5) Make recommendations to the general assembly on 20651  
legislation to improve the delivery of emergency medical 20652  
services; 20653

(6) Maintain a toll-free long distance telephone number 20654

through which it shall respond to questions about emergency 20655  
medical services; 20656

(7) Work with appropriate state offices in coordinating 20657  
the training of firefighters and emergency medical service 20658  
personnel. Other state offices that are involved in the training 20659  
of firefighters or emergency medical service personnel shall 20660  
cooperate with the board and its committees and subcommittees to 20661  
achieve this goal. 20662

(8) Provide a liaison to the state emergency operation 20663  
center during those periods when a disaster, as defined in 20664  
section 5502.21 of the Revised Code, has occurred in this state 20665  
and the governor has declared an emergency as defined in that 20666  
section. 20667

(B) The board may do any of the following: 20668

(1) Investigate complaints concerning emergency medical 20669  
services and emergency medical service organizations as it 20670  
determines necessary; 20671

~~(2) Enter into reciprocal agreements with other states 20672  
that have standards for accreditation of emergency medical 20673  
services training programs and for certification of first- 20674  
responders, EMTs basic, EMTs-I, paramedics, firefighters, or 20675  
fire safety inspectors that are substantially similar to those 20676  
established under this chapter and the rules adopted under it, 20677~~

~~(3) Establish a statewide public information system and 20678  
public education programs regarding emergency medical services; 20679~~

~~(4)~~ (3) Establish an injury prevention program. 20680

(C) The state board of emergency medical, fire, and 20681  
transportation services shall not regulate any profession that 20682

otherwise is regulated by another board, commission, or similar  
regulatory entity.

**Sec. 4765.11.** (A) The state board of emergency medical,  
fire, and transportation services shall adopt, and may amend and  
rescind, rules in accordance with Chapter 119. of the Revised  
Code and division (C) of this section that establish all of the  
following:

(1) Procedures for its governance and the control of its  
actions and business affairs;

(2) Standards for the performance of emergency medical  
services by first responders, emergency medical technicians-  
basic, emergency medical technicians-intermediate, and emergency  
medical technicians-paramedic;

(3) Application fees for certificates of accreditation,  
certificates of approval, certificates to teach, and  
certificates to practice, which shall be deposited into the  
trauma and emergency medical services fund created in section  
4513.263 of the Revised Code;

(4) Criteria for determining when the application or  
renewal fee for a certificate to practice may be waived because  
an applicant cannot afford to pay the fee;

(5) Procedures for issuance and renewal of certificates of  
accreditation, certificates of approval, certificates to teach,  
and certificates to practice, including any procedures necessary  
to ensure that adequate notice of renewal is provided in  
accordance with division ~~(D)~~ (E) of section 4765.30 of the  
Revised Code;

(6) Procedures for suspending or revoking certificates of  
accreditation, certificates of approval, certificates to teach,



and certificates to practice;	20712
(7) Grounds for suspension or revocation of a certificate	20713
to practice issued under section 4765.30 of the Revised Code and	20714
for taking any other disciplinary action against a first	20715
responder, EMT-basic, EMT-I, or paramedic;	20716
(8) Procedures for taking disciplinary action against a	20717
first responder, EMT-basic, EMT-I, or paramedic;	20718
(9) Standards for certificates of accreditation and	20719
certificates of approval;	20720
(10) Qualifications for certificates to teach;	20721
(11) Requirements for a certificate to practice;	20722
(12) The curricula, number of hours of instruction and	20723
training, and instructional materials to be used in adult and	20724
pediatric emergency medical services training programs and adult	20725
and pediatric emergency medical services continuing education	20726
programs;	20727
(13) Procedures for conducting courses in recognizing	20728
symptoms of life-threatening allergic reactions and in	20729
calculating proper dosage levels and administering injections of	20730
epinephrine to adult and pediatric patients who suffer life-	20731
threatening allergic reactions;	20732
(14) Examinations for certificates to practice;	20733
(15) Procedures for administering examinations for	20734
certificates to practice;	20735
(16) Procedures for approving examinations that	20736
demonstrate competence to have a certificate to practice renewed	20737
without completing an emergency medical services continuing	20738

education program; 20739

(17) Procedures for granting extensions and exemptions of 20740  
emergency medical services continuing education requirements; 20741

(18) Procedures for approving the additional emergency 20742  
medical services first responders are authorized by division (C) 20743  
of section 4765.35 of the Revised Code to perform, EMTs-basic 20744  
are authorized by division (C) of section 4765.37 of the Revised 20745  
Code to perform, EMTs-I are authorized by division (B) (5) of 20746  
section 4765.38 of the Revised Code to perform, and paramedics 20747  
are authorized by division (B) (6) of section 4765.39 of the 20748  
Revised Code to perform; 20749

(19) Standards and procedures for implementing the 20750  
requirements of section 4765.06 of the Revised Code, including 20751  
designations of the persons who are required to report 20752  
information to the board and the types of information to be 20753  
reported; 20754

(20) Procedures for administering the emergency medical 20755  
services grant program established under section 4765.07 of the 20756  
Revised Code; 20757

(21) Procedures consistent with Chapter 119. of the 20758  
Revised Code for appealing decisions of the board; 20759

(22) Minimum qualifications and peer review and quality 20760  
improvement requirements for persons who provide medical 20761  
direction to emergency medical service personnel; 20762

(23) The manner in which a patient, or a patient's parent, 20763  
guardian, or custodian may consent to the board releasing 20764  
identifying information about the patient under division (D) of 20765  
section 4765.102 of the Revised Code; 20766

(24) Circumstances under which a training program or 20767  
continuing education program, or portion of either type of 20768  
program, may be taught by a person who does not hold a 20769  
certificate to teach issued under section 4765.23 of the Revised 20770  
Code; 20771

(25) Certification cycles for certificates issued under 20772  
sections 4765.23 and 4765.30 of the Revised Code and 20773  
certificates issued by the executive director of the state board 20774  
of emergency medical, fire, and transportation services under 20775  
section 4765.55 of the Revised Code that establish a common 20776  
expiration date for all certificates. 20777

(B) The board may adopt, and may amend and rescind, rules 20778  
in accordance with Chapter 119. of the Revised Code and division 20779  
(C) of this section that establish the following: 20780

(1) Specifications of information that may be collected 20781  
under the trauma system registry and incidence reporting system 20782  
created under section 4765.06 of the Revised Code; 20783

(2) Standards and procedures for implementing any of the 20784  
recommendations made by any committees of the board or under 20785  
section 4765.04 of the Revised Code; 20786

(3) Requirements that a person must meet to receive a 20787  
certificate to practice as a first responder pursuant to 20788  
division (A) (2) of section 4765.30 of the Revised Code; 20789

(4) Any other rules necessary to implement this chapter. 20790

(C) In developing and administering rules adopted under 20791  
this chapter, the state board of emergency medical, fire, and 20792  
transportation services shall consult with regional directors 20793  
and regional physician advisory boards created by section 20794  
4765.05 of the Revised Code and emphasize the special needs of 20795

pediatric and geriatric patients.

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(D) Except as otherwise provided in this division, before adopting, amending, or rescinding any rule under this chapter, the board shall submit the proposed rule to the director of public safety for review. The director may review the proposed rule for not more than sixty days after the date it is submitted. If, within this sixty-day period, the director approves the proposed rule or does not notify the board that the rule is disapproved, the board may adopt, amend, or rescind the rule as proposed. If, within this sixty-day period, the director notifies the board that the proposed rule is disapproved, the board shall not adopt, amend, or rescind the rule as proposed unless at least twelve members of the board vote to adopt, amend, or rescind it.

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This division does not apply to an emergency rule adopted in accordance with section 119.03 of the Revised Code.

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(E) Notwithstanding any requirement for a certificate issued in accordance with rules adopted by the board under this section, the board, in accordance with section 9.79 of the Revised Code, shall issue a certificate that is a license as defined in that section to an individual if either of the following applies:

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(1) The individual holds a license or certificate in another state.

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(2) The individual has satisfactory work experience, a government certification, or a private certification as described in that section as a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic in a

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state that does not issue that license or certificate. 20825

**Sec. 4765.30.** (A) (1) The state board of emergency medical, 20826  
fire, and transportation services shall issue a certificate to 20827  
practice as a first responder to an applicant who meets all of 20828  
the following conditions: 20829

(a) Except as provided in division (A) (2) of this section, 20830  
is a volunteer for a nonprofit emergency medical service 20831  
organization or a nonprofit fire department; 20832

(b) Holds the appropriate certificate of completion issued 20833  
in accordance with section 4765.24 of the Revised Code; 20834

(c) Passes the appropriate examination conducted under 20835  
section 4765.29 of the Revised Code; 20836

(d) Is not in violation of any provision of this chapter 20837  
or the rules adopted under it; 20838

(e) Meets any other certification requirements established 20839  
in rules adopted under section 4765.11 of the Revised Code. 20840

(2) The board may waive the requirement to be a volunteer 20841  
for a nonprofit entity if the applicant meets other requirements 20842  
established in rules adopted under division (B) (3) of section 20843  
4765.11 of the Revised Code relative to a person's eligibility 20844  
to practice as a first responder. 20845

(B) The state board of emergency medical, fire, and 20846  
transportation services shall issue a certificate to practice as 20847  
an emergency medical technician-basic to an applicant who meets 20848  
all of the following conditions: 20849

(1) Holds a certificate of completion in emergency medical 20850  
services training-basic issued in accordance with section 20851  
4765.24 of the Revised Code; 20852

(2) Passes the examination for emergency medical technicians-basic conducted under section 4765.29 of the Revised Code; 20853  
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(3) Is not in violation of any provision of this chapter or the rules adopted under it; 20856  
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(4) Meets any other certification requirements established in rules adopted under section 4765.11 of the Revised Code. 20858  
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(C) The state board of emergency medical, fire, and transportation services shall issue a certificate to practice as an emergency medical technician-intermediate or emergency medical technician-paramedic to an applicant who meets all of the following conditions: 20860  
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(1) Holds a certificate to practice as an emergency medical technician-basic; 20865  
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(2) Holds the appropriate certificate of completion issued in accordance with section 4765.24 of the Revised Code; 20867  
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(3) Passes the appropriate examination conducted under section 4765.29 of the Revised Code; 20869  
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(4) Is not in violation of any provision of this chapter or the rules adopted under it; 20871  
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(5) Meets any other certification requirements established in rules adopted under section 4765.11 of the Revised Code. 20873  
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(D) Notwithstanding any requirement for a certificate to practice issued under this section, the board shall issue a certificate in accordance with section 9.79 of the Revised Code to an individual if either of the following applies: 20875  
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(1) The individual holds a license or certificate in 20879

another state. 20880

(2) The individual has satisfactory work experience, a 20881  
government certification, or a private certification as 20882  
described in that section as a first responder in a state that 20883  
does not issue that license or certificate. 20884

(E) A certificate to practice shall have a certification 20885  
cycle established by the board and may be renewed by the board 20886  
pursuant to rules adopted under section 4765.11 of the Revised 20887  
Code. Not later than sixty days prior to the expiration date of 20888  
an individual's certificate to practice, the board shall notify 20889  
the individual of the scheduled expiration. 20890

An application for renewal shall be accompanied by the 20891  
appropriate renewal fee established in rules adopted under 20892  
section 4765.11 of the Revised Code, unless the board waives the 20893  
fee on determining pursuant to those rules that the applicant 20894  
cannot afford to pay the fee. Except as provided in division (B) 20895  
of section 4765.31 of the Revised Code, the application shall 20896  
include evidence of either of the following: 20897

(1) That the applicant received a certificate of 20898  
completion from the appropriate emergency medical services 20899  
continuing education program pursuant to section 4765.24 of the 20900  
Revised Code; 20901

(2) That the applicant has successfully passed an 20902  
examination that demonstrates the competence to have a 20903  
certificate renewed without completing an emergency medical 20904  
services continuing education program. The board shall approve 20905  
such examinations in accordance with rules adopted under section 20906  
4765.11 of the Revised Code. 20907

~~(E)~~ (F) The board shall not require an applicant for 20908

renewal of a certificate to practice to take an examination as a 20909  
condition of renewing the certificate. This division does not 20910  
preclude the use of examinations by operators of approved 20911  
emergency medical services continuing education programs as a 20912  
condition for issuance of a certificate of completion in 20913  
emergency medical services continuing education. 20914

**Sec. 4765.55.** (A) The executive director of the state 20915  
board of emergency medical, fire, and transportation services, 20916  
with the advice and counsel of the firefighter and fire safety 20917  
inspector training committee of the state board of emergency 20918  
medical, fire, and transportation services, shall assist in the 20919  
establishment and maintenance by any state agency, or any 20920  
county, township, city, village, school district, or educational 20921  
service center of a fire service training program for the 20922  
training of all persons in positions of any fire training 20923  
certification level approved by the executive director, 20924  
including full-time paid firefighters, part-time paid 20925  
firefighters, volunteer firefighters, and fire safety inspectors 20926  
in this state. The executive director, with the advice and 20927  
counsel of the committee, shall adopt rules to regulate those 20928  
firefighter and fire safety inspector training programs, and 20929  
other training programs approved by the executive director. The 20930  
rules may include, but need not be limited to, training 20931  
curriculum, certification examinations, training schedules, 20932  
minimum hours of instruction, attendance requirements, required 20933  
equipment and facilities, basic physical requirements, and 20934  
methods of training for all persons in positions of any fire 20935  
training certification level approved by the executive director, 20936  
including full-time paid firefighters, part-time paid 20937  
firefighters, volunteer firefighters, and fire safety 20938  
inspectors. The rules adopted to regulate training programs for 20939



volunteer firefighters shall not require more than thirty-six 20940  
hours of training. 20941

The executive director, with the advice and counsel of the 20942  
committee, shall provide for the classification and chartering 20943  
of fire service training programs in accordance with rules 20944  
adopted under division (B) of this section, and may take action 20945  
against any chartered training program or applicant, in 20946  
accordance with rules adopted under divisions (B) (4) and (5) of 20947  
this section, for failure to meet standards set by the adopted 20948  
rules. 20949

(B) The executive director, with the advice and counsel of 20950  
the firefighter and fire safety inspector training committee of 20951  
the state board of emergency medical, fire, and transportation 20952  
services, shall adopt, and may amend or rescind, rules under 20953  
Chapter 119. of the Revised Code that establish all of the 20954  
following: 20955

(1) Requirements for, and procedures for chartering, the 20956  
training programs regulated by this section; 20957

(2) Requirements for, and requirements and procedures for 20958  
obtaining and renewing, an instructor certificate to teach the 20959  
training programs and continuing education classes regulated by 20960  
this section; 20961

(3) Requirements for, and requirements and procedures for 20962  
obtaining and renewing, any of the fire training certificates 20963  
regulated by this section; 20964

(4) Grounds and procedures for suspending, revoking, 20965  
restricting, or refusing to issue or renew any of the 20966  
certificates or charters regulated by this section, which 20967  
grounds shall be limited to one of the following: 20968

(a) Failure to satisfy the education or training requirements of this section;	20969 20970
(b) Conviction of a felony offense;	20971
(c) Conviction of a misdemeanor involving moral turpitude;	20972
(d) Conviction of a misdemeanor committed in the course of practice;	20973 20974
(e) In the case of a chartered training program or applicant, failure to meet standards set by the rules adopted under this division.	20975 20976 20977
(5) Grounds and procedures for imposing and collecting fines, not to exceed one thousand dollars, in relation to actions taken under division (B) (4) of this section against persons holding certificates and charters regulated by this section, the fines to be deposited into the trauma and emergency medical services fund established under section 4513.263 of the Revised Code;	20978 20979 20980 20981 20982 20983 20984
(6) Continuing education requirements for certificate holders, including a requirement that credit shall be granted for in-service training programs conducted by local entities;	20985 20986 20987
(7) Procedures for considering the granting of an extension or exemption of fire service continuing education requirements;	20988 20989 20990
(8) Certification cycles for which the certificates and charters regulated by this section are valid.	20991 20992
(C) The executive director, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services, shall issue or renew an instructor certificate to	20993 20994 20995 20996

teach the training programs and continuing education classes 20997  
regulated by this section to any applicant that the executive 20998  
director determines meets the qualifications established in 20999  
rules adopted under division (B) of this section, and may take 21000  
disciplinary action against an instructor certificate holder or 21001  
applicant in accordance with rules adopted under division (B) of 21002  
this section. The executive director, with the advice and 21003  
counsel of the committee, shall charter or renew the charter of 21004  
any training program that the executive director determines 21005  
meets the qualifications established in rules adopted under 21006  
division (B) of this section, and may take disciplinary action 21007  
against the holder of a charter in accordance with rules adopted 21008  
under division (B) of this section. 21009

(D) The executive director shall issue or renew a fire 21010  
training certificate for a firefighter, a fire safety inspector, 21011  
or another position of any fire training certification level 21012  
approved by the executive director, to any applicant that the 21013  
executive director determines meets the qualifications 21014  
established in rules adopted under division (B) of this section 21015  
and may take disciplinary actions against a certificate holder 21016  
or applicant in accordance with rules adopted under division (B) 21017  
of this section. 21018

(E) Certificates issued under this section shall be on a 21019  
form prescribed by the executive director, with the advice and 21020  
counsel of the firefighter and fire safety inspector training 21021  
committee of the state board of emergency medical, fire, and 21022  
transportation services. 21023

(F) (1) The executive director, with the advice and counsel 21024  
of the firefighter and fire safety inspector training committee 21025  
of the state board of emergency medical, fire, and 21026

transportation services, shall establish criteria for evaluating 21027  
the standards maintained by ~~other states and~~ the branches of the 21028  
United States military for firefighter, fire safety inspector, 21029  
and fire instructor training programs, and other training 21030  
programs recognized by the executive director, to determine 21031  
whether the standards are equivalent to those established under 21032  
this section and shall establish requirements and procedures for 21033  
issuing a certificate to each person who presents proof to the 21034  
executive director of having satisfactorily completed a training 21035  
program that meets those standards. 21036

(2) The executive director, with the committee's advice 21037  
and counsel, shall adopt rules establishing requirements and 21038  
procedures for issuing a fire training certificate in lieu of 21039  
completing a chartered training program. 21040

(G) Notwithstanding any requirement for a certificate 21041  
issued under this section, the executive director shall issue a 21042  
certificate in accordance with section 9.79 of the Revised Code 21043  
to an individual if either of the following applies: 21044

(1) The individual holds a license or certificate in 21045  
another state. 21046

(2) The individual has satisfactory work experience, a 21047  
government certification, or a private certification as 21048  
described in that section as a firefighter or fire safety 21049  
inspector in a state that does not issue that license or 21050  
certificate. 21051

(H) Nothing in this section invalidates any other section 21052  
of the Revised Code relating to the fire training academy. 21053  
Section 4765.11 of the Revised Code does not affect any powers 21054  
and duties granted to the executive director under this section. 21055

**Sec. 4767.031.** (A) The owner or the person responsible for 21056  
the operation of each cemetery required to register under 21057  
section 4767.03 of the Revised Code shall provide the division 21058  
of real estate in the department of commerce, on a form 21059  
prescribed by the division, at the same time the owner or other 21060  
person applies for registration or renewal of registration as 21061  
required by section 4767.03 of the Revised Code, a list of the 21062  
names and residence addresses of all persons employed or 21063  
otherwise engaged by the cemetery to sell interment rights. The 21064  
provision of this information constitutes the registration of 21065  
these persons to sell interment rights. 21066

In order for an independent contractor to sell interment 21067  
rights for a cemetery, the cemetery shall sponsor and register 21068  
the independent contractor with the division. More than one 21069  
cemetery may sponsor and register the same independent 21070  
contractor-. The division shall register an independent 21071  
contractor in accordance with section 9.79 of the Revised Code 21072  
if either of the following applies: 21073

(1) The individual is licensed or registered in another 21074  
state. 21075

(2) The individual has satisfactory work experience, a 21076  
government certification, or a private certification as 21077  
described in that section as an independent contractor selling 21078  
interment rights for a cemetery in a state that does not issue 21079  
that license or registration. 21080

(B) The owner or the person responsible for the operation 21081  
of each cemetery required to register under section 4767.03 of 21082  
the Revised Code shall provide the division with a revised list 21083  
of the names and residence addresses of all persons employed or 21084  
otherwise engaged by the cemetery to sell interment rights 21085

within the calendar quarter immediately following the date of 21086  
the termination of the cemetery's relationship with an existing 21087  
salesperson or the commencement of a relationship with a new 21088  
salesperson. As used in this division, "calendar quarter" means 21089  
the three-month period that commences on the first day of each 21090  
January, April, July, and October. 21091

**Sec. 4771.08.** (A) Upon receipt of all the materials 21092  
required for application for registration under section 4771.07 21093  
of the Revised Code, the Ohio athletic commission shall evaluate 21094  
the information provided and issue a certificate of registration 21095  
to the applicant, unless the commission finds that the applicant 21096  
or an employee or representative of the applicant has committed 21097  
any of the acts described in division (A) of section 4771.18 of 21098  
the Revised Code. 21099

Notwithstanding the requirements for a certificate of 21100  
registration under this chapter, the commission shall issue a 21101  
certificate of registration in accordance with section 9.79 of 21102  
the Revised Code to an applicant if either of the following 21103  
applies: 21104

(1) The applicant is registered in another state. 21105

(2) The applicant has satisfactory work experience, a 21106  
government certification, or a private certification as 21107  
described in that section as an athlete agent in a state that 21108  
does not issue that certificate of registration. 21109

(B) The commission may issue a temporary certificate of 21110  
registration, effective for a period of up to ninety days after 21111  
the issuance of the temporary registration, to an athlete agent 21112  
who is registered as an athlete agent in another state, or to a 21113  
person who has not submitted all the material required under 21114

section 4771.07 of the Revised Code, but who the commission  
determines to have submitted sufficient material to warrant the  
issuance of a temporary certificate. Section 9.79 of the Revised  
Code does not apply to a temporary certificate of registration  
issued under this division.

(C) The registration of an athlete agent with the  
commission is valid for a period of two years after the date the  
certificate of registration is issued. An athlete agent shall  
file an application for the renewal of a registration with the  
commission at least thirty days prior to the expiration of the  
registration of the athlete agent. An application for renewal  
shall be accompanied by a renewal fee in an amount determined by  
the commission pursuant to division (F) of section 4771.05 of  
the Revised Code.

(D) Each certificate of registration issued by the  
commission to an athlete agent shall contain all the following  
information:

(1) The name of the athlete agent;

(2) The address of the primary location in which the  
athlete agent is authorized to conduct business as an athlete  
agent;

(3) A registration number for the athlete agent and the  
date of issuance of the registration.

(E) No registration or certificate of registration is  
valid for any individual other than the athlete agent to whom it  
is issued.

(F) The commission is not liable for the acts of an  
athlete agent who is registered with the commission.

**Sec. 4773.03.** (A) ~~Each~~ Except as provided in division (G) 21143  
of this section, each individual seeking a license to practice 21144  
as a general x-ray machine operator, radiographer, radiation 21145  
therapy technologist, or nuclear medicine technologist shall 21146  
apply to the department of health on a form the department shall 21147  
prescribe and provide. The application shall be accompanied by 21148  
the appropriate license application fee established in rules 21149  
adopted under section 4773.08 of the Revised Code. 21150

(B) ~~The~~ Except as provided in division (G) of this 21151  
section, the department shall review all applications received 21152  
and issue the appropriate general x-ray machine operator, 21153  
radiographer, radiation therapy technologist, or nuclear 21154  
medicine technologist license to each applicant who meets all of 21155  
the following requirements: 21156

- (1) Is eighteen years of age or older; 21157
- (2) Is of good moral character; 21158
- (3) Except as provided in division (C) of this section, 21159  
passes the examination administered under section 4773.04 of the 21160  
Revised Code for the applicant's area of practice; 21161
- (4) Complies with any other licensing standards 21162  
established in rules adopted under section 4773.08 of the 21163  
Revised Code. 21164

(C) An applicant is not required to take a licensing 21165  
examination if one of the following applies to the applicant: 21166

- (1) The individual is applying for a license as a general 21167  
x-ray machine operator and holds certification in that area of 21168  
practice from the American registry of radiologic technologists 21169  
or the American chiropractic registry of radiologic 21170  
technologists. 21171



(2) The individual is applying for a license as a 21172  
radiographer and holds certification in that area of practice 21173  
from the American registry of radiologic technologists. 21174

(3) The individual is applying for a license as a 21175  
radiation therapy technologist and holds certification in that 21176  
area of practice from the American registry of radiologic 21177  
technologists. 21178

(4) The individual is applying for a license as a nuclear 21179  
medicine technologist and holds certification in that area of 21180  
practice from the American registry of radiologic technologists 21181  
or the nuclear medicine technology certification board. 21182

(5) The individual holds a conditional license issued 21183  
under section 4773.05 of the Revised Code and has completed the 21184  
continuing education requirements established in rules adopted 21185  
under section 4773.08 of the Revised Code. 21186

~~(6) The individual holds a license, certificate, or other 21187  
credential issued by another state that the department 21188  
determines uses standards for radiologic professions that are at 21189  
least equal to those established under this chapter. 21190~~

(D) A license issued under this section expires biennially 21191  
on the license holder's birthday, except for an initial license 21192  
which expires on the license holder's birthday following two 21193  
years after it is issued. For an initial license, the fee 21194  
established in rules adopted under section 4773.08 of the 21195  
Revised Code may be increased in proportion to the amount of 21196  
time beyond two years that the license may be valid. 21197

A license may be renewed. To be eligible for renewal, the 21198  
license holder must complete the continuing education 21199  
requirements specified in rules adopted by the department under 21200

section 4773.08 of the Revised Code. Applications for license 21201  
renewal shall be accompanied by the appropriate renewal fee 21202  
established in rules adopted under section 4773.08 of the 21203  
Revised Code. Renewals shall be made in accordance with the 21204  
standard renewal procedure established under Chapter 4745. of 21205  
the Revised Code. 21206

(E) (1) A license that has lapsed or otherwise become 21207  
inactive may be reinstated. An individual seeking reinstatement 21208  
of a license shall apply to the department on a form the 21209  
department shall prescribe and provide. The application shall be 21210  
accompanied by the appropriate reinstatement fee established in 21211  
rules adopted under section 4773.08 of the Revised Code. 21212

(2) To be eligible for reinstatement, both of the 21213  
following apply: 21214

(a) An applicant must continue to meet the conditions for 21215  
receiving an initial license, including the examination or 21216  
certification requirements specified in division (B) or (C) of 21217  
this section. In the case of an applicant seeking reinstatement 21218  
based on having passed an examination administered under section 21219  
4773.04 of the Revised Code, the length of time that has elapsed 21220  
since the examination was passed is not a consideration in 21221  
determining whether the applicant is eligible for reinstatement. 21222

(b) The applicant must complete the continuing education 21223  
requirements for reinstatement established in rules adopted 21224  
under section 4773.08 of the Revised Code. 21225

(F) The department shall refuse to issue, renew, or 21226  
reinstate and may suspend or revoke a general x-ray machine 21227  
operator, radiographer, radiation therapy technologist, or 21228  
nuclear medicine technologist license if the applicant or 21229

license holder does not comply with the applicable requirements 21230  
of this chapter or rules adopted under it. 21231

(G) The department shall issue a general x-ray machine 21232  
operator, radiographer, radiation therapy technologist, or 21233  
nuclear medicine technologist license in accordance with section 21234  
9.79 of the Revised Code to an applicant if either of the 21235  
following applies: 21236

(1) The applicant holds a license in another state. 21237

(2) The applicant has satisfactory work experience, a 21238  
government certification, or a private certification as 21239  
described in that section as a general x-ray machine operator, 21240  
radiographer, radiation therapy technologist, or nuclear 21241  
medicine technologist in a state that does not issue that 21242  
license. 21243

**Sec. 4774.03.** (A) An-Except as provided in division (D) of 21244  
this section, an individual seeking a license to practice as a 21245  
radiologist assistant shall file with the state medical board a 21246  
written application on a form prescribed and supplied by the 21247  
board. The application shall include all the information the 21248  
board considers necessary to process the application, including 21249  
evidence satisfactory to the board that the applicant meets the 21250  
requirements specified in division (B) of this section. 21251

At the time an application is submitted, the applicant 21252  
shall pay the board the application fee specified by the board 21253  
in rules adopted under section 4774.11 of the Revised Code. No 21254  
part of the fee shall be returned. 21255

(B) To-Except as provided in division (D) of this section, 21256  
to be eligible to receive a license to practice as a radiologist 21257  
assistant, an applicant shall meet all of the following 21258

requirements:	21259
(1) Be at least eighteen years of age and of good moral character;	21260 21261
(2) Hold a current, valid license as a radiographer under Chapter 4773. of the Revised Code;	21262 21263
(3) Have attained a baccalaureate degree or postbaccalaureate certificate from an advanced academic program encompassing a nationally recognized radiologist assistant curriculum that includes a radiologist-directed clinical preceptorship;	21264 21265 21266 21267 21268
(4) Hold current certification as a registered radiologist assistant from the American registry of radiologic technologists and have attained the certification by meeting the standard certification requirements established by the registry, including the registry's requirements for documenting clinical education in the form of a clinical portfolio and passing an examination to determine competence to practice;	21269 21270 21271 21272 21273 21274 21275
(5) Hold current certification in advanced cardiac life support.	21276 21277
(C) The board shall review all applications received under this section. Not later than sixty days after receiving an application the board considers to be complete, the board shall determine whether the applicant meets the requirements to receive a license to practice as a radiologist assistant.	21278 21279 21280 21281 21282
<u>(D) The board shall issue a license to practice as a radiologist assistant in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies:</u>	21283 21284 21285
<u>(1) The applicant holds a license in another state.</u>	21286

(2) The applicant has satisfactory work experience, a 21287  
government certification, or a private certification as 21288  
described in that section as a radiologist assistant in a state 21289  
that does not issue that license. 21290

**Sec. 4775.07.** (A) Any person required to be registered as 21291  
a motor vehicle repair operator shall apply to the motor vehicle 21292  
repair board upon forms prescribed by the board. The forms shall 21293  
contain sufficient information to identify the applicant, 21294  
including name, address, state tax identification number, and 21295  
any other identifying data prescribed by rule of the board. If 21296  
the applicant is a partnership, identifying data as prescribed 21297  
by the board may be required for each partner. If the applicant 21298  
is a corporation, identifying data may be required for each 21299  
officer of the corporation and each person in charge of each 21300  
place of the motor vehicle repair operator's business in this 21301  
state. The applicant shall affirm the application by oath. The 21302  
applicant shall include with the application the initial 21303  
registration fee set forth in section 4775.08 of the Revised 21304  
Code and proof satisfactory to the board that the applicant has 21305  
a current state and federal tax identification number, a valid 21306  
vendor's license issued pursuant to section 5739.17 of the 21307  
Revised Code, a United States environmental protection agency 21308  
identification number issued under the "Resource Conservation 21309  
and Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A. 6901, as 21310  
amended, and regulations adopted under that act, proof of 21311  
possession of all permits required under Chapter 3704. of the 21312  
Revised Code, general liability insurance and liability 21313  
insurance that protects a person against liability for damage to 21314  
motor vehicles in the applicant's care, custody, or control in 21315  
an amount and form that conforms to the rules the board adopts 21316  
under section 4775.04 of the Revised Code, and coverage under 21317

Chapters 4123. and 4141. of the Revised Code. In addition, the  
applicant shall affirm that the applicant is in compliance with  
all applicable federal and state statutes and rules and all  
local ordinances and resolutions, including all applicable  
zoning regulations.

(B) Upon receipt of the completed application form and  
fees and after the board determines that the applicant meets the  
requirements for registration under division (A) of this  
section, the board shall direct the executive director to issue  
a registration certificate to the applicant for each place of  
business. The motor vehicle repair operator shall display the  
registration certificate in a conspicuous place on the premises  
of the business for which the registration is obtained. The  
board and director shall issue a registration certificate in  
accordance with section 9.79 of the Revised Code to an applicant  
if either of the following applies:

(1) The applicant holds a license or registration  
certificate in another state.

(2) The applicant has satisfactory work experience, a  
government certification, or a private certification as  
described in that section as a motor vehicle repair operator in  
a state that does not issue that license or registration  
certificate.

(C) Each registration certificate issued under this  
section expires annually on the date of its original issuance  
and may be renewed in accordance with the standard renewal  
procedure of Chapter 4745. of the Revised Code. The application  
for a renewal of a registration certificate shall be accompanied  
by the same information and proof as is required to accompany an  
initial application under division (A) of this section.

(D) When a motor vehicle repair operator experiences a 21348  
change in any information or data required under division (A) of 21349  
this section or by rule of the board for registration as a motor 21350  
vehicle repair operator, the motor vehicle repair operator shall 21351  
submit written notification of the change to the board within 21352  
sixty days after the date that the information becomes obsolete. 21353  
If a motor vehicle repair operator fails to submit the written 21354  
notification of a change in information or data within sixty 21355  
days after the change in information or data, the operator's 21356  
registration certificate is automatically suspended, except that 21357  
the board may waive the suspension for good cause shown. 21358

(E) Notwithstanding section 5703.21 of the Revised Code, 21359  
the department of taxation may disclose to the board any 21360  
information necessary for the board to verify the existence of 21361  
an applicant's valid vendor's license and current state tax 21362  
identification number. 21363

**Sec. 4778.03.** (A) An Except as provided in division (D) of 21364  
this section, an individual seeking a license to practice as a 21365  
genetic counselor shall file with the state medical board an 21366  
application in a manner prescribed by the board. The application 21367  
shall include all the information the board considers necessary 21368  
to process the application, including evidence satisfactory to 21369  
the board that the applicant meets the requirements specified in 21370  
division (B) of this section. 21371

At the time an application is submitted, the applicant 21372  
shall pay the board an application fee of two hundred dollars. 21373  
No part of the fee shall be returned to the applicant or 21374  
transferred for purposes of another application. 21375

(B) (1) To Except as provided in division (D) of this 21376  
section, to be eligible to receive a license to practice as a 21377

genetic counselor, an applicant shall demonstrate to the board 21378  
that the applicant meets all of the following requirements: 21379

(a) Is at least eighteen years of age and of good moral 21380  
character; 21381

(b) Except as provided in division (B) (2) of this section, 21382  
has attained a master's degree or higher degree from a genetic 21383  
counseling graduate program accredited by the American board of 21384  
genetic counseling, inc.; 21385

(c) Is a certified genetic counselor; 21386

(d) Has satisfied any other requirements established by 21387  
the board in rules adopted under section 4778.12 of the Revised 21388  
Code. 21389

(2) In the case of an applicant who files an application 21390  
not later than December 31, 2013, and meets all eligibility 21391  
requirements other than the requirement specified in division 21392  
(B) (1) (b) of this section, the applicant is eligible for a 21393  
license to practice as a genetic counselor if the applicant has 21394  
attained a master's or higher degree in education or in a field 21395  
that the state medical board considers to be closely related to 21396  
genetic counseling. 21397

(C) The board shall review all applications received under 21398  
this section. Not later than sixty days after receiving an 21399  
application it considers complete, the board shall determine 21400  
whether the applicant meets the requirements for a license to 21401  
practice as a genetic counselor. 21402

(D) The board shall issue a license to practice as a 21403  
genetic counselor in accordance with section 9.79 of the Revised 21404  
Code to an applicant if either of the following applies: 21405



<u>(1) The applicant holds a license in another state.</u>	21406
<u>(2) The applicant has satisfactory work experience, a</u>	21407
<u>government certification, or a private certification as</u>	21408
<u>described in that section as a genetic counselor in a state that</u>	21409
<u>does not issue that license.</u>	21410
<b>Sec. 4778.08.</b> (A) <u>The Except as provided in division (C)</u>	21411
<u>of this section, the</u> state medical board may issue to an	21412
applicant under section 4778.03 of the Revised Code a license to	21413
practice as a genetic counselor, designated as a supervised	21414
practice license, if both of the following apply:	21415
(1) The applicant meets the requirements specified in	21416
section 4778.03 of the Revised Code other than being a certified	21417
genetic counselor;	21418
(2) The applicant is in active candidate status with the	21419
American board of genetic counseling.	21420
(B) A supervised practice license authorizes the holder to	21421
engage in the activities authorized by section 4778.11 of the	21422
Revised Code while the holder is under the general supervision	21423
of a genetic counselor licensed under section 4778.05 of the	21424
Revised Code or a physician. General supervision does not	21425
require the supervising licensed genetic counselor or physician	21426
to be present while the holder engages in such activities, but	21427
does require the licensed genetic counselor or physician to have	21428
professional responsibility for the holder and be readily	21429
accessible to the holder for professional consultation and	21430
assistance.	21431
A supervised practice license is valid from the date of	21432
issuance until the earlier of one year from that date or the	21433
date a license is issued under section 4778.05 of the Revised	21434

Code. A supervised practice license may not be renewed. 21435

(C) The board shall issue a supervised practice license to 21436  
practice as a genetic counselor in accordance with section 9.79 21437  
of the Revised Code to an applicant if either of the following 21438  
applies: 21439

(1) The applicant holds a license in another state. 21440

(2) The applicant has satisfactory work experience, a 21441  
government certification, or a private certification as 21442  
described in that section as a supervised practice genetic 21443  
counselor in a state that does not issue that license. 21444

**Sec. 4778.09.** (A) The state medical board may issue a 21445  
license to practice as a genetic counselor, designated as a 21446  
special activity license, to an individual from another state 21447  
seeking to practice in this state genetic counseling associated 21448  
with a rare disease. 21449

(B) An applicant for a special activity license shall 21450  
submit to the board all of the following information: 21451

(1) Evidence that the applicant holds a current, 21452  
unrestricted license to practice genetic counseling issued by 21453  
another state or, if the applicant practices genetic counseling 21454  
in another state that does not license genetic counselors, 21455  
evidence that the applicant is a certified genetic counselor; 21456

(2) Evidence that the applicant has actively practiced 21457  
genetic counseling within the two-year period immediately 21458  
preceding application; 21459

(3) The name of the applicant's sponsoring institution or 21460  
organization, a statement of need for genetic counseling from 21461  
the sponsoring institution or organization, and the name of the 21462

rare disease for which the applicant will be practicing genetic 21463  
counseling in this state. 21464

(C) At the time an application is submitted, the applicant 21465  
shall pay a fee of twenty-five dollars. No part of the fee shall 21466  
be returned to the applicant or transferred for purposes of 21467  
another application. 21468

(D) The board shall not require the holder of a special 21469  
activity license issued under this section to obtain a license 21470  
under section 9.79 of the Revised Code. A special activity 21471  
license is valid for the shorter of thirty days or the duration 21472  
of the genetic counseling associated with the rare disease for 21473  
which the license was issued. The license may not be renewed. 21474

(E) The holder of a special activity license may practice 21475  
genetic counseling only to the extent that it is associated with 21476  
the rare disease for which the license was issued. The license 21477  
holder shall not bill a patient or any third party payer for 21478  
genetic counseling provided in this state. 21479

(F) The board may revoke a special activity license on 21480  
receiving proof satisfactory to the board that the holder of the 21481  
license has engaged in practice in this state outside the scope 21482  
of the license or that there are grounds for action against the 21483  
license holder under section 4778.14 of the Revised Code. 21484

**Sec. 4779.17.** The Ohio occupational therapy, physical 21485  
therapy, and athletic trainers board shall issue a license under 21486  
section 4779.09 of the Revised Code to practice orthotics, 21487  
prosthetics, orthotics and prosthetics, or pedorthics ~~without~~ 21488  
~~examination to an applicant who meets all of the following~~ 21489  
~~requirements:~~ 21490

~~(A) Applies to the board in accordance with section~~ 21491

~~4779.09 of the Revised Code;~~ 21492

~~(B) Holds a license to practice orthotics, prosthetics,~~ 21493  
~~orthotics and prosthetics, or pedorthics issued by the~~ 21494  
~~appropriate authority of another state;~~ 21495

~~(C) One of the following applies:~~ 21496

~~(1) In the case of an applicant for a license to practice~~ 21497  
~~orthotics, the applicant meets the requirements in divisions (B)~~ 21498  
~~and (C) of section 4779.10 of the Revised Code.~~ 21499

~~(2) In the case of an applicant for a license to practice~~ 21500  
~~prosthetics, the applicant meets the requirements in divisions~~ 21501  
~~(B) and (C) of section 4779.11 of the Revised Code.~~ 21502

~~(3) In the case of an applicant for a license to practice~~ 21503  
~~orthotics and prosthetics, the applicant meets the requirements~~ 21504  
~~in divisions (B) and (C) of section 4779.12 of the Revised Code.~~ 21505

~~(4) In the case of an applicant for a license to practice~~ 21506  
~~pedorthics, the applicant meets the requirements in divisions~~ 21507  
~~(B) and (C) of section 4779.13 of the Revised Code.~~ 21508

~~(D) All fees received by the board under this section~~ 21509  
~~shall be deposited in the state treasury to the credit of the~~ 21510  
~~occupational licensing and regulatory fund established in~~ 21511  
~~accordance with section 4743.05-9.79 of the Revised Code to an~~ 21512  
~~applicant if either of the following applies:~~ 21513

(A) The applicant holds a license in another state. 21514

(B) The applicant has satisfactory work experience, a 21515  
government certification, or a private certification in 21516  
orthotics, prosthetics, orthotics and prosthetics, or pedorthics 21517  
in a state that does not issue that license. 21518

**Sec. 4779.18.** (A) The Ohio occupational therapy, physical 21519  
therapy, and athletic trainers board shall issue a temporary 21520  
license to an individual who meets all of the following 21521  
requirements: 21522

(1) Applies to the board in accordance with rules adopted 21523  
under section 4779.08 of the Revised Code and pays the 21524  
application fee specified in the rules; 21525

(2) Is eighteen years of age or older; 21526

(3) Is of good moral character; 21527

(4) One of the following applies: 21528

(a) In the case of an applicant for a license to practice 21529  
orthotics, the applicant meets the requirements in divisions (B) 21530  
and (C) of section 4779.10 of the Revised Code. 21531

(b) In the case of an applicant for a license to practice 21532  
prosthetics, the applicant meets the requirements in divisions 21533  
(B) and (C) of section 4779.11 of the Revised Code. 21534

(c) In the case of an applicant for a license to practice 21535  
orthotics and prosthetics, the applicant meets the requirements 21536  
in divisions (B) and (C) of section 4779.12 of the Revised Code. 21537

(d) In the case of an applicant for a license to practice 21538  
pedorthics, the applicant meets the requirements in divisions 21539  
(B) and (C) of section 4779.13 of the Revised Code. 21540

(B) The board shall issue a temporary license in 21541  
accordance with section 9.79 of the Revised Code to an applicant 21542  
who holds a license in another state, a government 21543  
certification, or a private certification as described in that 21544  
section in a state that does not issue that license. 21545

(C) A temporary license ~~issued under this section~~ is valid 21546  
for one year and may be renewed once in accordance with rules 21547  
adopted by the board under section 4779.08 of the Revised Code. 21548

(D) An individual who holds a temporary license may 21549  
practice orthotics, prosthetics, orthotics and prosthetics, or 21550  
pedorthics only under the supervision of an individual who holds 21551  
a license issued under section 4779.09 of the Revised Code in 21552  
the same area of practice. 21553

~~(C)~~ (E) All fees received by the board under this section 21554  
shall be deposited in the state treasury to the credit of the 21555  
occupational licensing and regulatory fund established in 21556  
section 4743.05 of the Revised Code. 21557

**Sec. 4781.07.** (A) Pursuant to rules the division of 21558  
industrial compliance adopts, the division may certify 21559  
municipal, township, and county building departments and the 21560  
personnel of those departments, or any private third party, to 21561  
exercise the division's enforcement authority, accept and 21562  
approve plans and specifications for foundations, support 21563  
systems and installations, and inspect manufactured housing 21564  
foundations, support systems, and manufactured housing 21565  
installations. Any certification is effective for three years. 21566

(B) Following an investigation and finding of facts that 21567  
support its action, the division of industrial compliance may 21568  
revoke or suspend certification. The division may initiate an 21569  
investigation on the division's own motion or the petition of a 21570  
person affected by the enforcement or approval of plans. 21571

(C) (1) If a township, municipal corporation, or county 21572  
does not have a building department that is certified pursuant 21573  
to this section, it may designate by resolution or ordinance 21574

another building department that has been certified pursuant to 21575  
this section to exercise the commission's enforcement authority, 21576  
accept and approve plans and specifications for foundations, 21577  
support systems and installations, and inspect manufactured 21578  
housing foundations, support systems, and manufactured housing 21579  
installations. The designation is effective upon acceptance by 21580  
the designee. 21581

(2) An owner of a manufactured home or an operator of a 21582  
manufactured home park may request an inspection and obtain an 21583  
approval described in division (C)(1) of this section from any 21584  
building department certified pursuant to this section 21585  
designated by the township, municipal corporation, or county in 21586  
which the owner's manufactured home or operator's manufactured 21587  
home park is located. 21588

(D) The board shall certify an individual to exercise 21589  
enforcement authority, to accept and approve plans and 21590  
specifications, or to make inspections in this state in 21591  
accordance with section 9.79 of the Revised Code if either of 21592  
the following applies: 21593

(1) The individual is certified in another state. 21594

(2) The individual has satisfactory work experience, a 21595  
government certification, or a private certification as 21596  
described in that section in exercising enforcement authority, 21597  
accepting and approving plans and specifications for 21598  
foundations, support systems and installations, or inspecting 21599  
manufactured housing foundations, support systems, and 21600  
installations, in a state that does not issue that 21601  
certification. 21602

**Sec. 4781.08.** (A) The division of industrial compliance 21603

shall issue a manufactured housing installer license to any 21604  
applicant who is at least eighteen years of age and meets all of 21605  
the following requirements: 21606

(1) Submits an application to the division on a form the 21607  
division prescribes and pays the fee the division requires; 21608

(2) Completes all training requirements the division 21609  
prescribes; 21610

(3) Meets the experience requirements the division 21611  
prescribes by rule; 21612

(4) Has at least one year of experience installing 21613  
manufactured housing under the supervision of a licensed 21614  
manufactured home installer if applying for licensure after 21615  
January 1, 2006; 21616

(5) Has completed an installation training course the 21617  
division approves, which may be offered by the Ohio manufactured 21618  
homes association or other entity; 21619

(6) Receives a passing score on the licensure examination 21620  
the division administers; 21621

(7) Provides information the division requires to 21622  
demonstrate compliance with this chapter and the rules the 21623  
division adopts; 21624

(8) Provides the division with three references from 21625  
persons who are retailers, manufacturers, or manufactured home 21626  
park operators familiar with the person's installation work 21627  
experience and competency, with at least two of the three 21628  
references provided after January 1, 2006, being from persons 21629  
who are licensed manufactured housing installers; 21630

(9) Has liability insurance or a surety bond that is 21631



issued by an insurance or surety company authorized to transact 21632  
business in Ohio, in the amount the division specifies, and 21633  
containing the terms and conditions the division requires; 21634

(10) Is in compliance with section 4123.35 of the Revised 21635  
Code. 21636

(B) The division of industrial compliance shall not grant 21637  
a license to any person who the division finds has engaged in 21638  
actions during the previous two years that constitute a ground 21639  
for denial, suspension, or revocation of a license or who has 21640  
had a license revoked or disciplinary action imposed by the 21641  
licensing or certification board of another state or 21642  
jurisdiction during the previous two years in connection with 21643  
the installation of manufactured housing. 21644

(C) Any person who is licensed, certified, or otherwise 21645  
approved under the laws of another state to perform functions 21646  
substantially similar to those of a manufactured housing 21647  
installer may apply to the division for licensure on a form the 21648  
division prescribes. The division shall issue a license ~~if the~~ 21649  
~~standards for licensure, certification, or approval in the state~~ 21650  
~~in which the applicant is licensed, certified, or approved are~~ 21651  
~~substantially similar to or exceed the requirements set forth in~~ 21652  
~~this chapter and the rules adopted pursuant to it~~ in accordance 21653  
with section 9.79 of the Revised Code to an applicant if either 21654  
of the following applies: 21655

(1) The applicant holds a license in another state. 21656

(2) The applicant has satisfactory work experience, a 21657  
government certification, or a private certification as a 21658  
manufactured housing installer in a state that does not issue 21659  
that license. ~~The division may require the applicant to pass the~~ 21660

~~division's licensure examination.~~ 21661

(D) Any license issued pursuant to this section shall bear 21662  
the licensee's name and post-office address, the issue date, a 21663  
serial number the division designates, and the signature of the 21664  
person the division designates pursuant to rules. 21665

(E) A manufactured housing installer license expires two 21666  
years after it is issued. The division of industrial compliance 21667  
shall renew a license if the applicant does all of the 21668  
following: 21669

(1) Meets the requirements of division (A) of this 21670  
section; 21671

(2) Demonstrates compliance with the requirements of this 21672  
chapter and the rules adopted pursuant to it; 21673

(3) Meets the division's continuing education 21674  
requirements. 21675

(F) No manufactured housing installer license may be 21676  
transferred to another person. 21677

**Sec. 4781.17.** (A) Each person applying for a manufactured 21678  
housing dealer's license or manufactured housing broker's 21679  
license shall complete and deliver to the department of 21680  
commerce, division of real estate, before the first day of 21681  
April, a separate application for license for each county in 21682  
which the business of selling or brokering manufactured or 21683  
mobile homes is to be conducted. The application shall be in the 21684  
form prescribed by the division of real estate and accompanied 21685  
by the fee established by the division of real estate. The 21686  
applicant shall sign and swear to the application that shall 21687  
include all of the following: 21688

(1) Name of applicant and location of principal place of business;	21689 21690
(2) Name or style under which business is to be conducted and, if a corporation, the state of incorporation;	21691 21692
(3) Name and address of each owner or partner and, if a corporation, the names of the officers and directors;	21693 21694
(4) The county in which the business is to be conducted and the address of each place of business therein;	21695 21696
(5) A statement of the previous history, record, and association of the applicant and of each owner, partner, officer, and director, that is sufficient to establish to the satisfaction of the division of real estate the reputation in business of the applicant;	21697 21698 21699 21700 21701
(6) A statement showing whether the applicant has previously applied for a manufactured housing dealer's license, manufactured housing broker's license, manufactured housing salesperson's license, or, prior to July 1, 2010, a motor vehicle dealer's license, manufactured home broker's license, or motor vehicle salesperson's license, and the result of the application, and whether the applicant has ever been the holder of any such license that was revoked or suspended;	21702 21703 21704 21705 21706 21707 21708 21709
(7) If the applicant is a corporation or partnership, a statement showing whether any partner, employee, officer, or director has been refused a manufactured housing dealer's license, manufactured housing broker's license, manufactured housing salesperson's license, or, prior to July 1, 2010, a motor vehicle dealer's license, manufactured home broker's license, or motor vehicle salesperson's license, or has been the holder of any such license that was revoked or suspended;	21710 21711 21712 21713 21714 21715 21716 21717

(8) Any other information required by the division of real estate. 21718  
21719

(B) Each person applying for a manufactured housing salesperson's license shall complete and deliver to the division of real estate before the first day of July an application for license. The application shall be in the form prescribed by the division of real estate and shall be accompanied by the fee established by the division. The applicant shall sign and swear to the application that shall include all of the following: 21720  
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(1) Name and post-office address of the applicant; 21727

(2) Name and post-office address of the manufactured housing dealer or manufactured housing broker for whom the applicant intends to act as salesperson; 21728  
21729  
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(3) A statement of the applicant's previous history, record, and association, that is sufficient to establish to the satisfaction of the division of real estate the applicant's reputation in business; 21731  
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(4) A statement as to whether the applicant intends to engage in any occupation or business other than that of a manufactured housing salesperson; 21735  
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(5) A statement as to whether the applicant has ever had any previous application for a manufactured housing salesperson license refused or, prior to July 1, 2010, any application for a motor vehicle salesperson license refused, and whether the applicant has previously had a manufactured housing salesperson or motor vehicle salesperson license revoked or suspended; 21738  
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(6) A statement as to whether the applicant was an employee of or salesperson for a manufactured housing dealer or manufactured housing broker whose license was suspended or 21744  
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21746

revoked; 21747

(7) A statement of the manufactured housing dealer or 21748  
manufactured housing broker named therein, designating the 21749  
applicant as the dealer's or broker's salesperson; 21750

(8) Any other information required by the division of real 21751  
estate. 21752

(C) Any application for a manufactured housing dealer or 21753  
manufactured housing broker delivered to the division of real 21754  
estate under this section also shall be accompanied by a 21755  
photograph, as prescribed by the division, of each place of 21756  
business operated, or to be operated, by the applicant. 21757

(D) The division of real estate shall deposit all license 21758  
fees into the state treasury to the credit of the manufactured 21759  
homes regulatory fund. 21760

(E) Notwithstanding any provision of this chapter to the 21761  
contrary, the division shall issue a manufactured housing 21762  
dealer's license or manufactured housing broker's license in 21763  
accordance with section 9.79 of the Revised Code to an applicant 21764  
if either of the following applies: 21765

(1) The applicant holds a license in another state. 21766

(2) The applicant has satisfactory work experience, a 21767  
government certification, or a private certification as a 21768  
manufactured housing dealer or manufactured housing broker in a 21769  
state that does not issue that license. 21770

**Sec. 4783.04.** (A) An individual seeking a certificate to 21771  
practice as a certified Ohio behavior analyst shall file with 21772  
the state board of psychology a written application on a form 21773  
prescribed and supplied by the board. To be eligible for a 21774

certificate, the individual shall do all of the following: 21775

(1) Demonstrate that the applicant is of good moral 21776  
character and conducts the applicant's professional activities 21777  
in accordance with accepted professional and ethical standards; 21778

(2) Comply with sections 4776.01 to 4776.04 of the Revised 21779  
Code; 21780

(3) Demonstrate an understanding of the law regarding 21781  
behavioral health practice; 21782

(4) Demonstrate current certification as a board certified 21783  
behavior analyst by the behavior analyst certification board or 21784  
its successor organization or demonstrate completion of 21785  
equivalent requirements and passage of a psychometrically valid 21786  
examination administered by a nationally accredited 21787  
credentialing organization; 21788

(5) Pay the fee established by the state board of 21789  
psychology. 21790

(B) The state board of psychology shall review all 21791  
applications received under this section. The state board of 21792  
psychology shall not grant a certificate to an applicant for an 21793  
initial certificate unless the applicant complies with sections 21794  
4776.01 to 4776.04 of the Revised Code and the state board of 21795  
psychology, in its discretion, decides that the results of the 21796  
criminal records check do not make the applicant ineligible for 21797  
a certificate issued pursuant to section 4783.09 of the Revised 21798  
Code. If the state board of psychology determines that an 21799  
applicant satisfies the requirements for a certificate to 21800  
practice as a certified Ohio behavior analyst, the state board 21801  
of psychology shall issue the applicant a certificate. 21802

(C) The board shall issue a certificate to practice as a 21803

certified Ohio behavior analyst in accordance with section 9.79 21804  
of the Revised Code to an applicant if either of the following 21805  
applies: 21806

(1) The applicant holds a certificate or license in 21807  
another state. 21808

(2) The applicant has satisfactory work experience, a 21809  
government certification, or a private certification as 21810  
described in that section as a behavior analyst in a state that 21811  
does not issue that certificate or license. 21812

**Sec. 5123.161.** A person or government entity that seeks to 21813  
provide supported living shall apply to the director of 21814  
developmental disabilities for a supported living certificate. 21815

Except as provided in sections 5123.166 and 5123.169 of 21816  
the Revised Code, the director shall issue to the person or 21817  
government entity a supported living certificate if the person 21818  
or government entity follows the application process established 21819  
in rules adopted under section 5123.1611 of the Revised Code, 21820  
meets the applicable certification standards established in 21821  
those rules, and pays the certification fee established in those 21822  
rules. The director shall issue a supported living certificate 21823  
in accordance with section 9.79 of the Revised Code to a person 21824  
if either of the following applies: 21825

(A) The person holds a supported living certificate issued 21826  
by another state. 21827

(B) The person has satisfactory work experience, a 21828  
government certification, or a private certification as 21829  
described in that section as a person providing supported living 21830  
in a state that does not issue that certificate. 21831

**Sec. 5123.45.** (A) The department of developmental 21832

disabilities shall establish a program under which the 21833  
department issues certificates to the following: 21834

(1) Developmental disabilities personnel, for purposes of 21835  
meeting the requirement of division (D)(1) of section 5123.42 of 21836  
the Revised Code to obtain a certificate or certificates to 21837  
administer medications and perform health-related activities 21838  
pursuant to the authority granted under division (C) of that 21839  
section; 21840

(2) Registered nurses, for purposes of meeting the 21841  
requirement of division (B) of section 5123.441 of the Revised 21842  
Code to obtain a certificate or certificates to provide the 21843  
developmental disabilities personnel training courses developed 21844  
under section 5123.43 of the Revised Code. 21845

(B) To receive a certificate issued under this section, 21846  
developmental disabilities personnel and registered nurses shall 21847  
successfully complete the applicable training course or courses 21848  
and meet all other applicable requirements established in rules 21849  
adopted pursuant to this section. The department shall issue the 21850  
appropriate certificate or certificates to developmental 21851  
disabilities personnel and registered nurses who meet the 21852  
requirements for the certificate or certificates. The department 21853  
shall issue the appropriate certificate or certificates in 21854  
accordance with section 9.79 of the Revised Code to an applicant 21855  
if either of the following applies: 21856

(1) The applicant holds a certificate or certificates 21857  
issued by another state. 21858

(2) The applicant has satisfactory work experience, a 21859  
government certification, or a private certification as 21860  
described in that section as developmental disabilities 21861



personnel in a state that does not issue that certificate. 21862

(C) Certificates issued to developmental disabilities 21863  
personnel are valid for one year and may be renewed. 21864  
Certificates issued to registered nurses are valid for two years 21865  
and may be renewed. 21866

To be eligible for renewal, developmental disabilities 21867  
personnel and registered nurses shall meet the applicable 21868  
continued competency requirements and continuing education 21869  
requirements specified in rules adopted under division (D) of 21870  
this section. In the case of registered nurses, continuing 21871  
nursing education completed in compliance with the license 21872  
renewal requirements established under Chapter 4723. of the 21873  
Revised Code may be counted toward meeting the continuing 21874  
education requirements established in the rules adopted under 21875  
division (D) of this section. 21876

(D) In accordance with section 5123.46 of the Revised 21877  
Code, the department shall adopt rules that establish all of the 21878  
following: 21879

(1) Requirements that developmental disabilities personnel 21880  
and registered nurses must meet to be eligible to take a 21881  
training course, including having sufficient written and oral 21882  
English skills to communicate effectively and reliably with 21883  
patients, their families, and other medical professionals; 21884

(2) Standards that must be met to receive a certificate, 21885  
including requirements pertaining to an applicant's criminal 21886  
background; 21887

(3) Procedures to be followed in applying for a 21888  
certificate and issuing a certificate; 21889

(4) Standards and procedures for renewing a certificate, 21890

including requirements for continuing education and, in the case 21891  
of developmental disabilities personnel who administer 21892  
prescribed medications, standards that require successful 21893  
demonstration of proficiency in administering prescribed 21894  
medications; 21895

(5) Any other standards or procedures the department 21896  
considers necessary to administer the certification program. 21897

**Sec. 5126.25.** (A) The director of developmental 21898  
disabilities shall adopt rules under division (C) of this 21899  
section establishing uniform standards and procedures for the 21900  
certification and registration of persons, other than the 21901  
persons described in division (I) of this section, who are 21902  
seeking employment with or are employed by either of the 21903  
following: 21904

(1) A county board of developmental disabilities; 21905

(2) An entity that contracts with a county board to 21906  
operate programs and services for individuals with developmental 21907  
disabilities. 21908

(B) No person shall be employed in a position for which 21909  
certification or registration is required pursuant to the rules 21910  
adopted under this section without the certification or 21911  
registration that is required for that position. The person 21912  
shall not be employed or shall not continue to be employed if 21913  
the required certification or registration is denied, revoked, 21914  
or not renewed. 21915

(C) The director shall adopt rules in accordance with 21916  
Chapter 119. of the Revised Code as the director considers 21917  
necessary to implement and administer this section, including 21918  
rules establishing all of the following: 21919

(1) Positions of employment that are subject to this 21920  
section and, for each position, whether a person must receive 21921  
certification or receive registration to be employed in that 21922  
position; 21923

(2) Requirements that must be met to receive the 21924  
certification or registration required to be employed in a 21925  
particular position, including standards regarding education, 21926  
specialized training, and experience, taking into account the 21927  
needs of individuals with developmental disabilities and the 21928  
specialized techniques needed to serve them, except that the 21929  
rules shall not require a person designated as a service 21930  
employee under section 5126.22 of the Revised Code to have or 21931  
obtain a bachelor's or higher degree; 21932

(3) Procedures to be followed in applying for initial 21933  
certification or registration and for renewing the certification 21934  
or registration. 21935

(4) Requirements that must be met for renewal of 21936  
certification or registration, which may include continuing 21937  
education and professional training requirements; 21938

(5) Subject to section 5126.23 of the Revised Code, 21939  
grounds for which certification or registration may be denied, 21940  
suspended, or revoked and procedures for appealing the denial, 21941  
suspension, or revocation. 21942

(D) Each person seeking certification or registration for 21943  
employment shall apply in the manner established in rules 21944  
adopted under this section. 21945

(E) (1) Except as provided in division (E) (2) of this 21946  
section, the superintendent of each county board is responsible 21947  
for taking all actions regarding certification and registration 21948

of employees, other than the position of superintendent, early 21949  
intervention supervisor, early intervention specialist, or 21950  
investigative agent. For the position of superintendent, early 21951  
intervention supervisor, early intervention specialist, or 21952  
investigative agent, the director of developmental disabilities 21953  
is responsible for taking all such actions. 21954

Actions that may be taken by the superintendent or 21955  
director include issuing, renewing, denying, suspending, and 21956  
revoking certification and registration. All actions shall be 21957  
taken in accordance with the rules adopted under this section. 21958

The superintendent may charge a fee to persons applying 21959  
for certification or registration. The superintendent shall 21960  
establish the amount of the fee according to the costs the 21961  
county board incurs in administering its program for 21962  
certification and registration of employees. 21963

A person subject to the denial, suspension, or revocation 21964  
of certification or registration may appeal the decision. The 21965  
appeal shall be made in accordance with the rules adopted under 21966  
this section. 21967

(2) Pursuant to division (C) of section 5126.05 of the 21968  
Revised Code, the superintendent may enter into a contract with 21969  
any other entity under which the entity is given authority to 21970  
carry out all or part of the superintendent's responsibilities 21971  
under division (E)(1) of this section. 21972

(F) A person with valid certification or registration 21973  
under this section on the effective date of any rules adopted 21974  
under this section that increase the standards applicable to the 21975  
certification or registration shall have such period as the 21976  
rules prescribe, but not less than one year after the effective 21977

date of the rules, to meet the new certification or registration 21978  
standards. 21979

(G) A person with valid certification or registration is 21980  
qualified to be employed according to that certification or 21981  
registration by any county board or entity contracting with a 21982  
county board. 21983

(H) The director shall monitor county boards to ensure 21984  
that their employees and the employees of their contracting 21985  
entities have the applicable certification or registration 21986  
required under this section and that the employees are 21987  
performing only those functions they are authorized to perform 21988  
under the certification or registration. The superintendent of 21989  
each county board or the superintendent's designee shall 21990  
maintain in appropriate personnel files evidence acceptable to 21991  
the director that the employees have met the requirements. On 21992  
request, representatives of the department of developmental 21993  
disabilities shall be given access to the evidence. 21994

(I) The certification and registration requirements of 21995  
this section and the rules adopted under it do not apply to 21996  
either of the following: 21997

(1) A person who holds a valid license issued or 21998  
certificate issued under Chapter 3319. of the Revised Code and 21999  
performs no duties other than teaching or supervision of a 22000  
teaching program; 22001

(2) A person who holds a valid license or certificate 22002  
issued under Title XLVII of the Revised Code and performs only 22003  
those duties governed by the license or certificate. 22004

(J) The director shall issue a certification or 22005  
registration in accordance with section 9.79 of the Revised Code 22006

to a person if either of the following applies: 22007

(1) The person holds a license, certification, or 22008  
registration in another state. 22009

(2) The person has satisfactory work experience, a 22010  
government certification, or a private certification as 22011  
described in that section in a state that does not issue that 22012  
license, certification, or registration. 22013

**Sec. 5902.02.** The duties of the director of veterans 22014  
services shall include the following: 22015

(A) Furnishing the veterans service commissions of all 22016  
counties of the state copies of the state laws, rules, and 22017  
legislation relating to the operation of the commissions and 22018  
their offices; 22019

(B) Upon application, assisting the general public in 22020  
obtaining records of vital statistics pertaining to veterans or 22021  
their dependents; 22022

(C) Adopting rules pursuant to Chapter 119. of the Revised 22023  
Code pertaining to minimum qualifications for hiring, 22024  
certifying, and accrediting county veterans service officers, 22025  
pertaining to their required duties, and pertaining to 22026  
revocation of the certification of county veterans service 22027  
officers; 22028

(D) Adopting rules pursuant to Chapter 119. of the Revised 22029  
Code for the education, training, certification, and duties of 22030  
veterans service commissioners and for the revocation of the 22031  
certification of a veterans service commissioner; 22032

(E) Developing and monitoring programs and agreements 22033  
enhancing employment and training for veterans in single or 22034

multiple county areas; 22035

(F) Developing and monitoring programs and agreements to 22036  
enable county veterans service commissions to address 22037  
homelessness, indigency, and other veteran-related issues 22038  
individually or jointly; 22039

(G) Developing and monitoring programs and agreements to 22040  
enable state agencies, individually or jointly, that provide 22041  
services to veterans, including the veterans' homes operated 22042  
under Chapter 5907. of the Revised Code and the director of job 22043  
and family services, to address homelessness, indigency, 22044  
employment, and other veteran-related issues; 22045

(H) Establishing and providing statistical reporting 22046  
formats and procedures for county veterans service commissions; 22047

(I) Publishing electronically a listing of county veterans 22048  
service offices and county veterans service commissioners. The 22049  
listing shall include the expiration dates of commission 22050  
members' terms of office and the organizations they represent; 22051  
the names, addresses, and telephone numbers of county veterans 22052  
service offices; and the addresses and telephone numbers of the 22053  
Ohio offices and headquarters of state and national veterans 22054  
service organizations. 22055

(J) Establishing a veterans advisory committee to advise 22056  
and assist the department of veterans services in its duties. 22057  
Members shall include a member of the national guard association 22058  
of the United States who is a resident of this state, a member 22059  
of the military officers association of America who is a 22060  
resident of this state, a state representative of 22061  
congressionally chartered veterans organizations referred to in 22062  
section 5901.02 of the Revised Code, a representative of any 22063

other congressionally chartered state veterans organization that 22064  
has at least one veterans service commissioner in the state, 22065  
three representatives of the Ohio state association of county 22066  
veterans service commissioners, who shall have a combined vote 22067  
of one, three representatives of the state association of county 22068  
veterans service officers, who shall have a combined vote of 22069  
one, one representative of the county commissioners association 22070  
of Ohio, who shall be a county commissioner not from the same 22071  
county as any of the other county representatives, a 22072  
representative of the advisory committee on women veterans, a 22073  
representative of a labor organization, and a representative of 22074  
the office of the attorney general. The department of veterans 22075  
services shall submit to the advisory committee proposed rules 22076  
for the committee's operation. The committee may review and 22077  
revise these proposed rules prior to submitting them to the 22078  
joint committee on agency rule review. 22079

(K) Adopting, with the advice and assistance of the 22080  
veterans advisory committee, policy and procedural guidelines 22081  
that the veterans service commissions shall adhere to in the 22082  
development and implementation of rules, policies, procedures, 22083  
and guidelines for the administration of Chapter 5901. of the 22084  
Revised Code. The department of veterans services shall adopt no 22085  
guidelines or rules regulating the purposes, scope, duration, or 22086  
amounts of financial assistance provided to applicants pursuant 22087  
to sections 5901.01 to 5901.15 of the Revised Code. The director 22088  
of veterans services may obtain opinions from the office of the 22089  
attorney general regarding rules, policies, procedures, and 22090  
guidelines of the veterans service commissions and may enforce 22091  
compliance with Chapter 5901. of the Revised Code. 22092

(L) Receiving copies of form DD214 filed in accordance 22093  
with the director's guidelines adopted under division (L) of 22094



this section from members of veterans service commissions 22095  
appointed under section 5901.02 and from county veterans service 22096  
officers employed under section 5901.07 of the Revised Code; 22097

(M) Developing and maintaining and improving a resource, 22098  
such as a telephone answering point or a web site, by means of 22099  
which veterans and their dependents, through a single portal, 22100  
can access multiple sources of information and interaction with 22101  
regard to the rights of, and the benefits available to, veterans 22102  
and their dependents. The director of veterans services may 22103  
enter into agreements with state and federal agencies, with 22104  
agencies of political subdivisions, with state and local 22105  
instrumentalities, and with private entities as necessary to 22106  
make the resource as complete as is possible. 22107

(N) Planning, organizing, advertising, and conducting 22108  
outreach efforts, such as conferences and fairs, at which 22109  
veterans and their dependents may meet, learn about the 22110  
organization and operation of the department of veterans 22111  
services and of veterans service commissions, and obtain 22112  
information about the rights of, and the benefits and services 22113  
available to, veterans and their dependents; 22114

(O) Advertising, in print, on radio and television, and 22115  
otherwise, the rights of, and the benefits and services 22116  
available to, veterans and their dependents; 22117

(P) Developing and advocating improved benefits and 22118  
services for, and improved delivery of benefits and services to, 22119  
veterans and their dependents; 22120

(Q) Searching for, identifying, and reviewing statutory 22121  
and administrative policies that relate to veterans and their 22122  
dependents and reporting to the general assembly statutory and 22123

administrative policies that should be consolidated in whole or 22124  
in part within the organization of the department of veterans 22125  
services to unify funding, delivery, and accounting of statutory 22126  
and administrative policy expressions that relate particularly 22127  
to veterans and their dependents; 22128

(R) Encouraging veterans service commissions to innovate 22129  
and otherwise to improve efficiency in delivering benefits and 22130  
services to veterans and their dependents and to report 22131  
successful innovations and efficiencies to the director of 22132  
veterans services; 22133

(S) Publishing and encouraging adoption of successful 22134  
innovations and efficiencies veterans service commissions have 22135  
achieved in delivering benefits and services to veterans and 22136  
their dependents; 22137

(T) Establishing advisory committees, in addition to the 22138  
veterans advisory committee established under division (K) of 22139  
this section, on veterans issues; 22140

(U) Developing and maintaining a relationship with the 22141  
United States department of veterans affairs, seeking optimal 22142  
federal benefits and services for Ohio veterans and their 22143  
dependents, and encouraging veterans service commissions to 22144  
maximize the federal benefits and services to which veterans and 22145  
their dependents are entitled; 22146

(V) Developing and maintaining relationships with the 22147  
several veterans organizations, encouraging the organizations in 22148  
their efforts at assisting veterans and their dependents, and 22149  
advocating for adequate state subsidization of the 22150  
organizations; 22151

(W) Requiring the several veterans organizations that 22152

receive funding from the state annually, not later than the 22153  
thirtieth day of July, to report to the director of veterans 22154  
services and prescribing the form and content of the report; 22155

(X) Reviewing the reports submitted to the director under 22156  
division (W) of this section within thirty days of receipt and 22157  
informing the veterans organization of any deficiencies that 22158  
exist in the organization's report and that funding will not be 22159  
released until the deficiencies have been corrected and a 22160  
satisfactory report submitted; 22161

(Y) Releasing funds and processing payments to veterans 22162  
organizations when a report submitted to the director under 22163  
division (W) of this section has been reviewed and determined to 22164  
be satisfactory; 22165

(Z) Furnishing copies of all reports that the director of 22166  
veterans services has determined have been submitted 22167  
satisfactorily under division (W) of this section to the 22168  
chairperson of the finance committees of the general assembly; 22169

(AA) Investigating complaints against county veterans 22170  
services commissioners and county veterans service officers if 22171  
the director reasonably believes the investigation to be 22172  
appropriate and necessary; 22173

(BB) Developing and maintaining a web site that is 22174  
accessible by veterans and their dependents and provides a link 22175  
to the web site of each state agency that issues a license, 22176  
certificate, or other authorization permitting an individual to 22177  
engage in an occupation or occupational activity; 22178

(CC) Encouraging state agencies to conduct outreach 22179  
efforts through which veterans and their dependents can learn 22180  
about available job and education benefits; 22181

(DD) Informing state agencies about changes in statutes 22182  
and rules that affect veterans and their dependents; 22183

(EE) Assisting licensing agencies in adopting rules under 22184  
section 5903.03 of the Revised Code; 22185

(FF) Administering the provision of grants from the 22186  
military injury relief fund under section 5902.05 of the Revised 22187  
Code; 22188

(GG) Issuing a county veterans service officer 22189  
certification or county veterans service commissioner 22190  
certification in accordance with section 9.79 of the Revised 22191  
Code to an applicant if the applicant holds a license or 22192  
certification in another state or the applicant has satisfactory 22193  
work experience, a government certification, or a private 22194  
certification as described in that section as a county veterans 22195  
service officer or county veterans service commissioner, or in a 22196  
position that is the equivalent to county veterans service 22197  
officer or county veterans service commissioner, in a state that 22198  
does not issue that license or certification; 22199

(HH) Taking any other actions required by this chapter. 22200

**Sec. 5903.04.** Each licensing agency shall adopt rules 22201  
under Chapter 119. of the Revised Code to establish and 22202  
implement all of the following: 22203

(A) A process to obtain from each applicant documentation 22204  
and additional information necessary to determine if the 22205  
applicant is a service member or veteran, or the spouse or 22206  
surviving spouse of a service member or veteran; 22207

(B) A process to record, track, and monitor applications 22208  
that have been received from a service member, veteran, or the 22209  
spouse or surviving spouse of a service member or veteran; and 22210

(C) A process to prioritize and expedite certification or 22211  
licensing for each applicant who is a service member, veteran, 22212  
or the spouse or a surviving spouse of a service member or 22213  
veteran. 22214

In establishing these processes, the licensing agency 22215  
shall include any special accommodations that may be appropriate 22216  
for applicants facing imminent deployment, and for applicants 22217  
for a temporary license or certificate under division ~~(D)~~ (C) of 22218  
section 4743.04 of the Revised Code. 22219

**Sec. 6109.04.** (A) The director of environmental protection 22220  
shall administer and enforce this chapter and rules adopted 22221  
under it. 22222

(B) The director shall adopt, amend, and rescind such 22223  
rules in accordance with Chapter 119. of the Revised Code as may 22224  
be necessary or desirable to do both of the following: 22225

(1) Govern public water systems in order to protect the 22226  
public health; 22227

(2) Govern public water systems to protect the public 22228  
welfare, including rules governing contaminants in water that 22229  
may adversely affect the suitability of the water for its 22230  
intended uses or that may otherwise adversely affect the public 22231  
health or welfare. 22232

(C) The director may do any or all of the following: 22233

(1) Adopt, amend, and rescind such rules in accordance 22234  
with Chapter 119. of the Revised Code as may be necessary or 22235  
desirable to do any or all of the following: 22236

(a) Govern the granting of variances and exemptions from 22237  
rules adopted under this chapter, subject to requirements of the 22238

Safe Drinking Water Act; 22239

(b) Govern the certification of operators of public water 22240  
systems, including establishment of qualifications according to 22241  
a classification of public water systems and of provisions for 22242  
examination, grounds for revocation, ~~reciprocity with other~~ 22243  
~~states,~~ renewal of certification, and other provisions necessary 22244  
or desirable for assurance of proper operation of water systems; 22245

(c) Carry out the powers and duties of the director under 22246  
this chapter. 22247

(2) Provide a program for the general supervision of 22248  
operation and maintenance of public water systems; 22249

(3) Maintain an inventory of public water systems; 22250

(4) Adopt and implement a program for conducting sanitary 22251  
surveys of public water systems; 22252

(5) Establish and maintain a system of record keeping and 22253  
reporting of activities of the environmental protection agency 22254  
under this chapter; 22255

(6) Establish and maintain a program for the certification 22256  
of laboratories conducting analyses of drinking water; 22257

(7) Issue, modify, and revoke orders as necessary to carry 22258  
out the director's powers and duties under this chapter and 22259  
primary enforcement responsibility for public water systems 22260  
under the "Safe Drinking Water Act." Orders issued under this 22261  
chapter are subject to Chapter 119. of the Revised Code. 22262

(D) Before adopting, amending, or rescinding a rule 22263  
authorized by this chapter, the director shall do all of the 22264  
following: 22265

(1) Mail notice to each statewide organization that the 22266  
director determines represents persons who would be affected by 22267  
the proposed rule, amendment, or rescission at least thirty-five 22268  
days before any public hearing thereon; 22269

(2) Mail a copy of each proposed rule, amendment, or 22270  
rescission to any person who requests a copy, within five days 22271  
after receipt of the request; 22272

(3) Consult with appropriate state and local government 22273  
agencies or their representatives, including statewide 22274  
organizations of local government officials, industrial 22275  
representatives, and other interested persons. 22276

Although the director is expected to discharge these 22277  
duties diligently, failure to mail any such notice or copy or to 22278  
consult with any person does not invalidate any proceeding or 22279  
action of the director. 22280

(E) The director shall issue a certification as an 22281  
operator of a public water system in accordance with section 22282  
9.79 of the Revised Code to an applicant if either of the 22283  
following applies: 22284

(1) The applicant holds a certification or license in 22285  
another state. 22286

(2) The applicant has satisfactory work experience, a 22287  
government certification, or a private certification as 22288  
described in that section as an operator of a public water 22289  
system in a state that does not issue that certification or 22290  
license. 22291

**Sec. 6111.30.** (A) Applications for a section 401 water 22292  
quality certification required under division (O) of section 22293  
6111.03 of the Revised Code shall be submitted on forms provided 22294

by the director of environmental protection and shall include 22295  
all information required on those forms as well as all of the 22296  
following: 22297

(1) A copy of a letter from the United States army corps 22298  
of engineers documenting its jurisdiction over the wetlands, 22299  
streams, or other waters of the state that are the subject of 22300  
the section 401 water quality certification application; 22301

(2) If the project involves impacts to a wetland, a 22302  
wetland characterization analysis consistent with the Ohio rapid 22303  
assessment method; 22304

(3) If the project involves a stream for which a specific 22305  
aquatic life use designation has not been made, data sufficient 22306  
to determine the existing aquatic life use; 22307

(4) A specific and detailed mitigation proposal, including 22308  
the location and proposed real estate instrument or other 22309  
available mechanism for protecting the property long term; 22310

(5) Applicable fees; 22311

(6) Site photographs; 22312

(7) Adequate documentation confirming that the applicant 22313  
has requested comments from the department of natural resources 22314  
and the United States fish and wildlife service regarding 22315  
threatened and endangered species, including the presence or 22316  
absence of critical habitat; 22317

(8) Descriptions, schematics, and appropriate economic 22318  
information concerning the applicant's preferred alternative, 22319  
nondegradation alternatives, and minimum degradation 22320  
alternatives for the design and operation of the project; 22321

(9) The applicant's investigation report of the waters of 22322



the United States in support of a section 404 permit application 22323  
concerning the project; 22324

(10) A copy of the United States army corps of engineers' 22325  
public notice regarding the section 404 permit application 22326  
concerning the project. 22327

(B) Not later than fifteen business days after the receipt 22328  
of an application for a section 401 water quality certification, 22329  
the director shall review the application to determine if it is 22330  
complete and shall notify the applicant in writing as to whether 22331  
the application is complete. If the director fails to notify the 22332  
applicant within fifteen business days regarding the 22333  
completeness of the application, the application is considered 22334  
complete. If the director determines that the application is not 22335  
complete, the director shall include with the written 22336  
notification an itemized list of the information or materials 22337  
that are necessary to complete the application. If the applicant 22338  
fails to provide the information or materials within sixty days 22339  
after the director's receipt of the application, the director 22340  
may return the incomplete application to the applicant and take 22341  
no further action on the application. If the application is 22342  
returned to the applicant because it is incomplete, the director 22343  
shall return the review fee levied under division (A) (1), (2), 22344  
or (3) of section 3745.114 of the Revised Code to the applicant, 22345  
but shall retain the application fee levied under that section. 22346

(C) Not later than twenty-one days after a determination 22347  
that an application is complete under division (B) of this 22348  
section, the applicant shall publish public notice of the 22349  
director's receipt of the complete application in a newspaper of 22350  
general circulation in the county in which the project that is 22351  
the subject of the application is located. The public notice 22352

shall be in a form acceptable to the director. The applicant 22353  
shall promptly provide the director with proof of publication. 22354  
The applicant may choose, subject to review by and approval of 22355  
the director, to include in the public notice an advertisement 22356  
for an antidegradation public hearing on the application 22357  
pursuant to section 6111.12 of the Revised Code. There shall be 22358  
a public comment period of thirty days following the publication 22359  
of the public notice. 22360

(D) If the director determines that there is significant 22361  
public interest in a public hearing as evidenced by the public 22362  
comments received concerning the application and by other 22363  
requests for a public hearing on the application, the director 22364  
or the director's representative shall conduct a public hearing 22365  
concerning the application. Notice of the public hearing shall 22366  
be published by the applicant, subject to review and approval by 22367  
the director, at least thirty days prior to the date of the 22368  
hearing in a newspaper of general circulation in the county in 22369  
which the project that is the subject of the application is to 22370  
take place. If a public hearing is requested concerning an 22371  
application, the director shall accept comments concerning the 22372  
application until five business days after the public hearing. A 22373  
public hearing conducted under this division shall take place 22374  
not later than one hundred days after the application is 22375  
determined to be complete. 22376

(E) The director shall forward all public comments 22377  
concerning an application submitted under this section that are 22378  
received through the public involvement process required by 22379  
rules adopted under this chapter to the applicant not later than 22380  
five business days after receipt of the comments by the 22381  
director. 22382

(F) The applicant shall respond in writing to written 22383  
comments or to deficiencies identified by the director during 22384  
the course of reviewing the application not later than fifteen 22385  
days after receiving or being notified of them. 22386

(G) The director shall issue or deny a section 401 water 22387  
quality certification not later than one hundred eighty days 22388  
after the complete application for the certification is 22389  
received. The director shall provide an applicant for a section 22390  
401 water quality certification with an opportunity to review 22391  
the certification prior to its issuance. However, when a 22392  
certified water quality professional conducts a stream or 22393  
wetland assessment to support an application and the application 22394  
does not require or necessitate a public hearing, the director 22395  
shall issue or deny a section 401 water quality certification 22396  
not later than ninety days after the complete application for 22397  
the certification is received. 22398

(H) The director shall maintain an accessible database 22399  
that includes environmentally beneficial water restoration and 22400  
protection projects that may serve as potential mitigation 22401  
projects for projects in the state for which a section 401 water 22402  
quality certification is required. A project's inclusion in the 22403  
database does not constitute an approval of the project. 22404

(I) Mitigation required by a section 401 water quality 22405  
certification may be accomplished by any of the following: 22406

(1) Purchasing credits at a mitigation bank approved in 22407  
accordance with 33 C.F.R. 332.8; 22408

(2) Participating in an in-lieu fee mitigation program 22409  
approved in accordance with 33 C.F.R. 332.8; 22410

(3) Constructing individual mitigation projects. 22411

Notwithstanding the mitigation hierarchy specified in 22412  
section 3745-1-54 of the Administrative Code, mitigation 22413  
projects shall be approved in accordance with the hierarchy 22414  
specified in 33 C.F.R. 332.3 unless the director determines that 22415  
the size or quality of the impacted resource necessitates 22416  
reasonably identifiable, available, and practicable mitigation 22417  
conducted by the applicant. The director shall adopt rules in 22418  
accordance with Chapter 119. of the Revised Code consistent with 22419  
the mitigation hierarchy specified in 33 C.F.R. 332.3. 22420

(J) The director shall establish a program and adopt rules 22421  
in accordance with Chapter 119. of the Revised Code for the 22422  
purpose of certifying water quality professionals to assess 22423  
streams to determine existing aquatic life use and to categorize 22424  
wetlands in support of applications for section 401 water 22425  
quality certification under divisions (A) (2) and (3) of this 22426  
section and isolated wetland permits under sections 6111.022 to 22427  
6111.024 of the Revised Code. The director shall establish a 22428  
multi-sector work group to assist in the development of rules 22429  
adopted under this division. The director shall use information 22430  
submitted by certified water quality professionals in the review 22431  
of those applications. The director shall issue a water quality 22432  
professional certification in accordance with section 9.79 of 22433  
the Revised Code to an applicant if the applicant holds a 22434  
certification or license in another state or the applicant has 22435  
satisfactory work experience, a government certification, or a 22436  
private certification as described in that section as a water 22437  
quality professional in a state that does not issue that 22438  
certification or license. 22439

Rules adopted under this division shall do all of the 22440  
following: 22441

(1) Provide for the certification of water quality 22442  
professionals to conduct activities in support of applications 22443  
for section 401 water quality certification and isolated wetland 22444  
permits, including work necessary to determine existing aquatic 22445  
life use of streams and categorize wetlands. Rules adopted under 22446  
division (J) (1) of this section shall do at least all of the 22447  
following: 22448

(a) Authorize the director to require an applicant for 22449  
water quality professional certification to submit information 22450  
considered necessary by the director to assess a water quality 22451  
professional's experience in conducting stream assessments and 22452  
wetlands categorizations; 22453

(b) Authorize the director to establish experience 22454  
requirements and to use tests to determine the competency of 22455  
applicants for water quality professional certification; 22456

(c) Authorize the director to approve applicants for water 22457  
quality professional certification who comply with the 22458  
requirements established in rules and deny applicants that do 22459  
not comply with those requirements; 22460

(d) Require the director to revoke the certification of a 22461  
water quality professional if the director finds that the 22462  
professional falsified any information on the professional's 22463  
application for certification regarding the professional's 22464  
credentials; 22465

(e) Require periodic renewal of a water quality 22466  
professional's certification and establish continuing education 22467  
requirements for purposes of that renewal. 22468

(2) Establish an annual fee to be paid by water quality 22469  
professionals certified under rules adopted under division (J) 22470

(1) of this section in an amount calculated to defray the costs 22471  
incurred by the environmental protection agency for reviewing 22472  
applications for water quality professional certification and 22473  
for issuing those certifications; 22474

(3) Authorize the director to suspend or revoke the 22475  
certification of a water quality professional if the director 22476  
finds that the professional's performance has resulted in 22477  
submission of documentation that is inconsistent with standards 22478  
established in rules adopted under division (J) (7) of this 22479  
section; 22480

(4) Authorize the director to review documentation 22481  
submitted by a certified water quality professional to ensure 22482  
compliance with requirements established in rules adopted under 22483  
division (J) (7) of this section; 22484

(5) Require a certified water quality professional to 22485  
submit any documentation developed in support of an application 22486  
for a section 401 water quality certification or an isolated 22487  
wetland permit upon the request of the director; 22488

(6) Authorize audits by the director of documentation 22489  
developed or submitted by certified water quality professionals 22490  
to ensure compliance with requirements established in rules 22491  
adopted under division (J) (7) of this section; 22492

(7) Establish technical standards to be used by certified 22493  
water quality professionals in conducting stream assessments and 22494  
wetlands categorizations; 22495

(8) Authorize the director to require public disclosure, 22496  
including publication on the environmental protection agency's 22497  
web site, of all of the following information for each certified 22498  
water quality professional: 22499

(a) Name;	22500
(b) Qualifications and credentials;	22501
(c) Status of the professional's certifications;	22502
(d) Documents and reports submitted by the certified water quality professional;	22503 22504
(e) Documentation and results of agency audits of the certified water quality professional's work;	22505 22506
(f) Any final disciplinary action related to the certified water quality professional's performance.	22507 22508
(K) Nothing in this section requires an applicant for a section 401 water quality certification or a permit for impacts to an isolated wetland under this chapter to use the services of a certified water quality professional.	22509 22510 22511 22512
(L) As used in this section and section 6111.31 of the Revised Code, "section 401 water quality certification" means certification pursuant to section 401 of the Federal Water Pollution Control Act and this chapter and rules adopted under it that any discharge, as set forth in section 401, will comply with sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act.	22513 22514 22515 22516 22517 22518 22519
<b>Section 2.</b> That existing sections 109.73, 109.77, 109.771, 109.78, 109.804, 147.01, 147.63, 169.16, 173.21, 173.391, 173.422, 503.41, 715.27, 903.07, 905.321, 917.09, 917.091, 921.06, 921.11, 921.12, 921.24, 921.26, 926.30, 928.02, 943.09, 956.05, 956.06, 1315.23, 1321.04, 1321.37, 1321.53, 1321.64, 1321.74, 1322.07, 1322.10, 1322.21, 1513.07, 1513.161, 1514.12, 1514.47, 1531.40, 1533.051, 1533.51, 1561.07, 1561.14, 1561.15, 1561.16, 1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 1561.22,	22520 22521 22522 22523 22524 22525 22526 22527

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1707.163, 1707.165, 1717.06, 3101.10, 3301.071, 3301.074,	22529
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3319.262, 3319.27, 3319.28, 3319.301, 3319.303, 3319.361,	22531
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4731.573, 4732.10, 4732.12, 4732.22, 4733.18, 4733.19, 4734.23,	22551
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4760.031, 4761.04, 4761.05, 4762.03, 4763.05, 4764.10, 4765.10, 22560  
4765.11, 4765.30, 4765.55, 4767.031, 4771.08, 4773.03, 4774.03, 22561  
4775.07, 4778.03, 4778.08, 4778.09, 4779.17, 4779.18, 4781.07, 22562  
4781.08, 4781.17, 4783.04, 5123.161, 5123.45, 5126.25, 5902.02, 22563  
5903.04, 6109.04, and 6111.30 of the Revised Code are hereby 22564  
repealed. 22565

**Section 3.** That sections 921.08, 1322.24, 3905.081, 22566  
4707.12, and 4757.25 of the Revised Code are hereby repealed. 22567

**Section 4.** The General Assembly, applying the principle 22568  
stated in division (B) of section 1.52 of the Revised Code that 22569  
amendments are to be harmonized if reasonably capable of 22570  
simultaneous operation, finds that the the following sections, 22571  
presented in this act as composites of the sections as amended 22572  
by the acts indicated, are the resulting versions of the section 22573  
in effect prior to the effective date of the sections as 22574  
presented in this act: 22575

Section 1321.53 of the Revised Code as amended by both 22576  
H.B. 199 and S.B. 24 of the 132nd General Assembly. 22577

Section 3319.22 of the Revised Code as amended by both 22578  
H.B. 438 and S.B. 216 of the 132nd General Assembly. 22579

Section 4715.09 of the Revised Code as amended by both 22580  
H.B. 541 and S.B. 259 of the 132nd General Assembly. 22581

Section 4723.651 of the Revised Code as amended by both 22582  
H.B. 113 and H.B. 483 of the 131st General Assembly. 22583

Section 5123.45 of the Revised Code as amended by both 22584  
H.B. 158 and H.B. 483 of the 131st General Assembly. 22585

Section 6111.30 of the Revised Code as amended by both 22586  
S.B. 2 and H.B. 49 of the 132nd General Assembly. 22587