

**As Reported by the Senate Government Oversight and Reform
Committee**

134th General Assembly

**Regular Session
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Sub. H. B. No. 6

Representative Roemer

**Cosponsors: Representatives Cross, Riedel, Seitz, Young, T., Wiggam, John,
Callender, Creech, Dean, Fowler Arthur, Grendell, Russo, Abrams, Brent,
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Householder, Jarrells, Jones, Lanese, Lightbody, Lipps, Miller, A., O'Brien,
Plummer, Ray, Schmidt, Sheehy, Sobeki, Stephens, Weinstein, White, Young, B.,
Speaker Cupp**

Senators Roegner, Schaffer

A BILL

To amend sections 3319.221, 4729.41, 4729.92, 1
4729.921, 4731.512, and 4928.66 and to enact 2
sections 3792.03, 4729.42, and 4928.661 of the 3
Revised Code and to amend Section 30 of H.B. 197 4
of the 133rd General Assembly to modify the laws 5
governing certain health professionals and 6
educator preparation programs due to COVID-19 7
and other circumstances and to modify the 8
electric utility laws regarding energy 9
efficiency programs; to amend the version of 10
section 4729.92 of the Revised Code that is 11
scheduled to take effect on October 9, 2021, to 12
continue the changes to that section on and 13
after that date; and to declare an emergency. 14

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

Section 1. That sections 3319.221, 4729.41, 4729.92, 15
4729.921, 4731.512, and 4928.66 be amended and sections 3792.03, 16
4729.42, and 4928.661 of the Revised Code be enacted to read as 17
follows: 18

Sec. 3319.221. (A) The state board of education, the 19
department of education, any city, local, exempted village, and 20
joint vocational school district board of education, and any 21
other public school, as defined in section 3301.0711 of the 22
Revised Code, shall not require a separate pupil services 23
license issued by the state board as a credential for working in 24
a public school, on either a permanent basis or a substitute or 25
other temporary basis, for the following licensed professionals: 26

(1) A speech-language pathologist who holds a currently 27
valid license issued under Chapter 4753. of the Revised Code; 28

(2) An audiologist who holds a currently valid license 29
issued under Chapter 4753. of the Revised Code; 30

(3) A registered nurse who holds a bachelor's degree ~~in~~ 31
~~nursing~~ and a currently valid license issued under Chapter 4723. 32
of the Revised Code; 33

(4) A physical therapist who holds a currently valid 34
license issued under Chapter 4755. of the Revised Code; 35

(5) An occupational therapist who holds a currently valid 36
license issued under Chapter 4755. of the Revised Code; 37

(6) A physical therapy assistant who holds a currently 38
valid license issued under Chapter 4755. of the Revised Code; 39

(7) An occupational therapy assistant who holds a 40
currently valid license issued under Chapter 4755. of the 41
Revised Code; 42

(8) A social worker who holds a currently valid license 43
issued under Chapter 4757. of the Revised Code. 44

(B) A person employed by a school district or school for 45
any of the occupations listed in divisions (A)(1) to (8) of this 46
section shall be required to apply for and receive a 47
registration from the department of education. The registration 48
shall be valid for five years. As a condition of registration 49
under this section, an individual shall be subject to a criminal 50
records check as prescribed by section 3319.391 of the Revised 51
Code. In the manner prescribed by the department, the individual 52
shall submit the criminal records check to the department. The 53
department shall use the information submitted to enroll the 54
individual in the retained applicant fingerprint database, 55
established under section 109.5721 of the Revised Code, in the 56
same manner as any teacher licensed under sections 3319.22 to 57
3319.31 of the Revised Code. 58

If the department receives notification of the arrest or 59
conviction of an individual registered under division (B) of 60
this section, the department shall promptly notify the employing 61
district and may take any action authorized under sections 62
3319.31 and 3319.311 of the Revised Code that it considers 63
appropriate. No district shall employ any individual under 64
division (A) of this section if the district learns that the 65
individual has plead guilty to, has been found guilty by a jury 66
or court of, or has been convicted of any of the offenses listed 67
in division (C) of section 3319.31 of the Revised Code. 68

(C) The department shall charge a registration fee of one 69
hundred fifty dollars each for the initial registration and one 70
hundred fifty dollars for renewal of the registration. 71

Sec. 3792.03. No individual authorized to administer a 72

vaccine shall administer to a minor a COVID-19 vaccine without 73
first obtaining written permission from the minor's parent or 74
legal guardian. 75

Sec. 4729.41. (A) (1) A pharmacist licensed under this 76
chapter who meets the requirements of division (B) of this 77
section, and a pharmacy intern licensed under this chapter who 78
meets the requirements of division (B) of this section and is 79
working under the direct supervision of a pharmacist who meets 80
the requirements of that division, may do any of the following: 81

~~(a) Administer immunizations for influenza to individuals~~ 82
~~who are seven years of age or older;~~ 83

~~(b) Only pursuant to a prescription, administer to~~ 84
~~individuals~~ In the case of an individual who are is seven years 85
of age or older but not more than thirteen years of age any of 86
the immunizations included in division (A) (2) of this section, 87
administer to the individual an immunization for any of the 88
following: 89

(i) Influenza; 90

(ii) COVID-19; 91

(iii) Any other disease, but only pursuant to a 92
prescription. 93

~~(c) Administer to individuals~~ (b) In the case of an 94
individual who are is thirteen years of age or older any of the 95
immunizations included in division (A) (2) of this section, 96
administer to the individual an immunization for any disease, 97
including an immunization for influenza or COVID-19. 98

~~(2) A pharmacist or pharmacy intern may administer in~~ 99
~~accordance with divisions (A) (1) (b) and (c) of this section~~ 100

~~either of the following:~~ 101

~~(a) Any immunization that on March 19, 2015, is included~~ 102
~~in either of the following immunization schedules recommended by~~ 103
~~the advisory committee on immunization practices of the centers~~ 104
~~for disease control and prevention in the United States~~ 105
~~department of health and human services:~~ 106

~~(i) The recommended immunization schedule for persons aged~~ 107
~~zero through eighteen years;~~ 108

~~(ii) The recommended adult immunization schedule.~~ 109

~~(b) Any other immunization specified in rules adopted~~ 110
~~under division (E) (1) (d) of this section.~~ 111

~~(3) As part of engaging in the administration of~~ 112
~~immunizations or supervising a pharmacy intern's administration~~ 113
~~of immunizations, a pharmacist may administer epinephrine or~~ 114
~~diphenhydramine, or both, to individuals in emergency situations~~ 115
~~resulting from adverse reactions to the immunizations~~ 116
~~administered by the pharmacist or pharmacy intern.~~ 117

(B) For a pharmacist or pharmacy intern to be authorized 118
to engage in the administration of immunizations ~~pursuant to~~ 119
~~division (A) of this section,~~ the pharmacist or pharmacy intern 120
shall do all of the following: 121

(1) Successfully complete a course in the administration 122
of immunizations that meets the requirements established in 123
rules adopted under this section for such courses; 124

(2) Receive and maintain certification to perform basic 125
life-support procedures by successfully completing a basic life- 126
support training course that is certified by the American red 127
cross or American heart association or approved by the state 128

board of pharmacy;	129
(3) Practice in accordance with a protocol that meets the requirements of division (C) of this section.	130 131
(C) All of the following apply with respect to the protocol required by division (B) (3) of this section:	132 133
(1) The protocol shall be established by a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	134 135 136
(2) The protocol shall specify a definitive set of treatment guidelines and the locations at which a pharmacist or pharmacy intern may engage in the administration of immunizations.	137 138 139 140
(3) The protocol shall satisfy the requirements established in rules adopted under this section for protocols.	141 142
(4) The protocol shall include provisions for implementation of the following requirements:	143 144
(a) The pharmacist or pharmacy intern who administers an immunization shall observe the individual who receives the immunization to determine whether the individual has an adverse reaction to the immunization. The length of time and location of the observation shall comply with the rules adopted under this section establishing requirements for protocols. The protocol shall specify procedures to be followed by a pharmacist when administering epinephrine, diphenhydramine, or both, to an individual who has an adverse reaction to an immunization administered by the pharmacist or a pharmacy intern.	145 146 147 148 149 150 151 152 153 154
(b) For each immunization administered to an individual by a pharmacist or pharmacy intern, other than an immunization for	155 156

influenza administered to an individual eighteen years of age or older, the pharmacist or pharmacy intern shall notify the individual's ~~family physician~~ primary care provider or, if the individual has no ~~family physician~~ primary care provider, the board of health of the health district in which the individual resides or the authority having the duties of a board of health for that district under section 3709.05 of the Revised Code. The notice shall be given not later than thirty days after the immunization is administered.

(c) For each immunization administered by a pharmacist or pharmacy intern to an individual younger than eighteen years of age ~~pursuant to division (A) (1) of this section~~, the pharmacist or a pharmacy intern shall obtain permission from the individual's parent or legal guardian in accordance with the procedures specified in rules adopted under this section.

(D) (1) No pharmacist shall do either of the following:

(a) Engage in the administration of immunizations unless the requirements of division (B) of this section have been met;

(b) Delegate to any person the pharmacist's authority to engage in or supervise the administration of immunizations.

(2) No pharmacy intern shall engage in the administration of immunizations unless the requirements of division (B) of this section have been met.

(E) (1) The state board of pharmacy shall adopt rules to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and shall include the following:

(a) Requirements for courses in administration of immunizations, including requirements that are consistent with

any standards established for such courses by the centers for	186
disease control and prevention;	187
(b) Requirements for protocols to be followed by	188
pharmacists and pharmacy interns in engaging in the	189
administration of immunizations;	190
(c) Procedures to be followed by pharmacists and pharmacy	191
interns in obtaining from the individual's parent or legal	192
guardian permission to administer immunizations to an individual	193
younger than eighteen years of age pursuant to division (A)(1)	194
of this section;	195
(d) Provisions specifying any immunizations that may be	196
administered under division (A)(2)(b) of this section.	197
(2) Prior to adopting rules regarding requirements for	198
protocols to be followed by pharmacists and pharmacy interns in	199
engaging in the administration of immunizations, the state board	200
of pharmacy shall consult with the state medical board and the	201
board of nursing.	202
(3) Prior to adopting rules specifying any immunizations	203
that may be administered under division (A)(2)(b) of this	204
section, the state board of pharmacy shall consult with the	205
state medical board.	206
(F) In addition to the rules it adopts under division (E)	207
of this section, the state board of pharmacy may adopt rules	208
that change the immunizations authorized by division (A)(2)(a)	209
of this section to reflect changes in the recommendations of the	210
advisory committee on immunization practices. The rules shall be	211
adopted in accordance with Chapter 119. of the Revised Code.	212
<u>Sec. 4729.42. (A) A pharmacist may order and administer</u>	213
<u>diagnostic tests for COVID-19 and tests for COVID-19 antibodies.</u>	214

(B) Both of the following may, under the direct 215
supervision of a pharmacist, administer diagnostic tests for 216
COVID-19 and tests for COVID-19 antibodies: 217

(1) A pharmacy intern; 218

(2) A certified pharmacy technician. 219

Sec. 4729.92. (A) An applicant for registration as a 220
pharmacy technician trainee shall: 221

(1) ~~Comply~~ Except as provided in section 4729.921 of the 222
Revised Code, comply with divisions (B) (1) (a) to (c) of section 223
4729.90 of the Revised Code; 224

(2) Be enrolled in or plan to enroll in education and 225
training that will allow the applicant to meet the requirements 226
established by the state board of pharmacy in rules adopted 227
under section 4729.94 of the Revised Code; 228

(3) Comply with sections 4776.01 to 4776.04 of the Revised 229
Code. 230

(B) A pharmacist or pharmacy intern whose license has been 231
denied, revoked, suspended, or otherwise restricted by the board 232
shall not be registered as a pharmacy technician trainee. 233

Sec. 4729.921. An applicant for registration as a pharmacy 234
technician trainee shall file with the state board of pharmacy 235
an application in the form and manner prescribed in rules 236
adopted under section 4729.94 of the Revised Code. The 237
application shall be accompanied by an application fee of 238
twenty-five dollars, which shall not be returned if the 239
applicant fails to qualify for registration. 240

If the board is satisfied that an applicant meets the 241
requirements of section 4729.92 of the Revised Code and any 242

additional requirements established by the board and determines 243
that the results of a criminal records check do not make the 244
applicant ineligible, the board shall register the applicant as 245
a pharmacy technician trainee. 246

The board may register as a pharmacy technician trainee an 247
applicant who is seventeen years of age and does not possess a 248
high school diploma or certificate of high school equivalence if 249
the applicant is enrolled in a career-technical school program 250
that is approved by the board and conducted by a city, exempted 251
village, local, or joint vocational school district. 252

The board shall register as a pharmacy technician trainee 253
in accordance with section 9.79 of the Revised Code an applicant 254
who either holds a license or is registered in another state or 255
has satisfactory work experience, a government certification, or 256
a private certification as described in that section as a 257
pharmacy technician trainee in a state that does not issue that 258
license or registration. 259

Registration is valid for one year from the date of 260
registration, except that the board may extend the time period 261
for which registration is valid. Registration is not renewable, 262
but an individual may reapply for registration if the 263
individual's previous registration has lapsed for more than five 264
years or the board grants its approval. 265

Sec. 4731.512. A podiatrist may administer ~~influenza-~~ 266
~~vaccinations~~ to individuals who are seven years of age or older 267
vaccinations against both of the following: 268

(A) Influenza; 269

(B) COVID-19. 270

Sec. 4928.66. (A) (1) (a) Beginning in 2009, an electric 271

distribution utility shall implement energy efficiency programs 272
that achieve energy savings equivalent to at least three-tenths 273
of one per cent of the total, annual average, and normalized 274
kilowatt-hour sales of the electric distribution utility during 275
the preceding three calendar years to customers in this state. 276
An energy efficiency program may include a combined heat and 277
power system placed into service or retrofitted on or after the 278
effective date of the amendment of this section by S.B. 315 of 279
the 129th general assembly, September 10, 2012, or a waste 280
energy recovery system placed into service or retrofitted on or 281
after September 10, 2012, except that a waste energy recovery 282
system described in division (A) (38) (b) of section 4928.01 of 283
the Revised Code may be included only if it was placed into 284
service between January 1, 2002, and December 31, 2004. For a 285
waste energy recovery or combined heat and power system, the 286
savings shall be as estimated by the public utilities 287
commission. The savings requirement, using such a three-year 288
average, shall increase to an additional five-tenths of one per 289
cent in 2010, seven-tenths of one per cent in 2011, eight-tenths 290
of one per cent in 2012, nine-tenths of one per cent in 2013, 291
and one per cent in 2014. In 2015 and 2016, an electric 292
distribution utility shall achieve energy savings equal to the 293
result of subtracting the cumulative energy savings achieved 294
since 2009 from the product of multiplying the baseline for 295
energy savings, described in division (A) (2) (a) of this section, 296
by four and two-tenths of one per cent. If the result is zero or 297
less for the year for which the calculation is being made, the 298
utility shall not be required to achieve additional energy 299
savings for that year, but may achieve additional energy savings 300
for that year. The annual savings requirements shall be, for 301
years 2017, 2018, 2019, and 2020, an additional one per cent of 302
the baseline. For purposes of a waste energy recovery or 303

combined heat and power system, an electric distribution utility 304
shall not apply more than the total annual percentage of the 305
electric distribution utility's industrial-customer load, 306
relative to the electric distribution utility's total load, to 307
the annual energy savings requirement. 308

(b) Beginning in 2009, an electric distribution utility 309
shall implement peak demand reduction programs designed to 310
achieve a one per cent reduction in peak demand in 2009 and an 311
additional seventy-five hundredths of one per cent reduction 312
each year through 2014. In 2015 and 2016, an electric 313
distribution utility shall achieve a reduction in peak demand 314
equal to the result of subtracting the cumulative peak demand 315
reductions achieved since 2009 from the product of multiplying 316
the baseline for peak demand reduction, described in division 317
(A) (2) (a) of this section, by four and seventy-five hundredths 318
of one per cent. If the result is zero or less for the year for 319
which the calculation is being made, the utility shall not be 320
required to achieve an additional reduction in peak demand for 321
that year, but may achieve an additional reduction in peak 322
demand for that year. In 2017 and each year thereafter through 323
2020, the utility shall achieve an additional seventy-five 324
hundredths of one per cent reduction in peak demand. 325

(2) For the purposes of divisions (A) (1) (a) and (b) of 326
this section: 327

(a) The baseline for energy savings under division (A) (1) 328
(a) of this section shall be the average of the total kilowatt 329
hours the electric distribution utility sold in the preceding 330
three calendar years. The baseline for a peak demand reduction 331
under division (A) (1) (b) of this section shall be the average 332
peak demand on the utility in the preceding three calendar 333

years, except that the commission may reduce either baseline to 334
adjust for new economic growth in the utility's certified 335
territory. Neither baseline shall include the load and usage of 336
any of the following customers: 337

(i) Beginning January 1, 2017, a customer for which a 338
reasonable arrangement has been approved under section 4905.31 339
of the Revised Code; 340

(ii) A customer that has opted out of the utility's 341
portfolio plan under section 4928.6611 of the Revised Code; 342

(iii) A customer that has opted out of the utility's 343
portfolio plan under Section 8 of S.B. 310 of the 130th general 344
assembly. 345

(b) The commission may amend the benchmarks set forth in 346
division (A)(1)(a) or (b) of this section if, after application 347
by the electric distribution utility, the commission determines 348
that the amendment is necessary because the utility cannot 349
reasonably achieve the benchmarks due to regulatory, economic, 350
or technological reasons beyond its reasonable control. 351

(c) Compliance with divisions (A)(1)(a) and (b) of this 352
section shall be measured by including the effects of all 353
demand-response programs for mercantile customers of the subject 354
electric distribution utility, all waste energy recovery systems 355
and all combined heat and power systems, and all such mercantile 356
customer-sited energy efficiency, including waste energy 357
recovery and combined heat and power, and peak demand reduction 358
programs, adjusted upward by the appropriate loss factors. Any 359
mechanism designed to recover the cost of energy efficiency, 360
including waste energy recovery and combined heat and power, and 361
peak demand reduction programs under divisions (A)(1)(a) and (b) 362

of this section may exempt mercantile customers that commit 363
their demand-response or other customer-sited capabilities, 364
whether existing or new, for integration into the electric 365
distribution utility's demand-response, energy efficiency, 366
including waste energy recovery and combined heat and power, or 367
peak demand reduction programs, if the commission determines 368
that that exemption reasonably encourages such customers to 369
commit those capabilities to those programs. If a mercantile 370
customer makes such existing or new demand-response, energy 371
efficiency, including waste energy recovery and combined heat 372
and power, or peak demand reduction capability available to an 373
electric distribution utility pursuant to division (A) (2) (c) of 374
this section, the electric utility's baseline under division (A) 375
(2) (a) of this section shall be adjusted to exclude the effects 376
of all such demand-response, energy efficiency, including waste 377
energy recovery and combined heat and power, or peak demand 378
reduction programs that may have existed during the period used 379
to establish the baseline. The baseline also shall be normalized 380
for changes in numbers of customers, sales, weather, peak 381
demand, and other appropriate factors so that the compliance 382
measurement is not unduly influenced by factors outside the 383
control of the electric distribution utility. 384

(d) (i) Programs implemented by a utility may include the 385
following: 386

(I) Demand-response programs; 387

(II) Smart grid investment programs, provided that such 388
programs are demonstrated to be cost-beneficial; 389

(III) Customer-sited programs, including waste energy 390
recovery and combined heat and power systems; 391

(IV) Transmission and distribution infrastructure	392
improvements that reduce line losses;	393
(V) Energy efficiency savings and peak demand reduction	394
that are achieved, in whole or in part, as a result of funding	395
provided from the universal service fund established by section	396
4928.51 of the Revised Code to benefit low-income customers	397
through programs that include, but are not limited to, energy	398
audits, the installation of energy efficiency insulation,	399
appliances, and windows, and other weatherization measures.	400
(ii) No energy efficiency or peak demand reduction	401
achieved under divisions (A) (2) (d) (i) (IV) and (V) of this	402
section shall qualify for shared savings.	403
(iii) Division (A) (2) (c) of this section shall be applied	404
to include facilitating efforts by a mercantile customer or	405
group of those customers to offer customer-sited demand-	406
response, energy efficiency, including waste energy recovery and	407
combined heat and power, or peak demand reduction capabilities	408
to the electric distribution utility as part of a reasonable	409
arrangement submitted to the commission pursuant to section	410
4905.31 of the Revised Code.	411
(e) No programs or improvements described in division (A)	412
(2) (d) of this section shall conflict with any statewide	413
building code adopted by the board of building standards.	414
(B) In accordance with rules it shall adopt, the public	415
utilities commission shall produce and docket at the commission	416
an annual report containing the results of its verification of	417
the annual levels of energy efficiency and of peak demand	418
reductions achieved by each electric distribution utility	419
pursuant to division (A) of this section. A copy of the report	420

shall be provided to the consumers' counsel. 421

(C) If the commission determines, after notice and 422
opportunity for hearing and based upon its report under division 423
(B) of this section, that an electric distribution utility has 424
failed to comply with an energy efficiency or peak demand 425
reduction requirement of division (A) of this section, the 426
commission shall assess a forfeiture on the utility as provided 427
under sections 4905.55 to 4905.60 and 4905.64 of the Revised 428
Code, either in the amount, per day per undercompliance or 429
noncompliance, relative to the period of the report, equal to 430
that prescribed for noncompliances under section 4905.54 of the 431
Revised Code, or in an amount equal to the then existing market 432
value of one renewable energy credit per megawatt hour of 433
undercompliance or noncompliance. Revenue from any forfeiture 434
assessed under this division shall be deposited to the credit of 435
the advanced energy fund created under section 4928.61 of the 436
Revised Code. 437

(D) The commission may establish rules regarding the 438
content of an application by an electric distribution utility 439
for commission approval of a revenue decoupling mechanism under 440
this division. Such an application shall not be considered an 441
application to increase rates and may be included as part of a 442
proposal to establish, continue, or expand energy efficiency or 443
conservation programs. The commission by order may approve an 444
application under this division if it determines both that the 445
revenue decoupling mechanism provides for the recovery of 446
revenue that otherwise may be forgone by the utility as a result 447
of or in connection with the implementation by the electric 448
distribution utility of any energy efficiency or energy 449
conservation programs and reasonably aligns the interests of the 450
utility and of its customers in favor of those programs. 451

(E) The commission additionally shall adopt rules that 452
require an electric distribution utility to provide a customer 453
upon request with two years' consumption data in an accessible 454
form. 455

(F) (1) As used in divisions (F) (2), (3), and (4) of this 456
section, "portfolio plan" has the same meaning as in division 457
(C) (1) of section 4928.6610 of the Revised Code. 458

(2) If an electric distribution utility has a portfolio 459
plan in effect as of ~~the effective date of the amendments to~~ 460
~~this section by H.B. 6 of the 133rd general assembly October 22,~~ 461
2019, and that plan expires before December 31, 2020, the 462
commission shall extend the plan through that date. All 463
portfolio plans shall terminate on that date. 464

(3) If a portfolio plan is extended beyond its commission 465
approved term by division (F) (2) of this section, the existing 466
plan's budget shall be increased for the extended term to 467
include an amount equal to the annual average of the approved 468
budget for all years of the portfolio plan in effect as of ~~the~~ 469
~~effective date of the amendments to this section by H.B. 6 of~~ 470
~~the 133rd general assembly October 22, 2019.~~ 471

(4) All other terms and conditions of a portfolio plan 472
extended beyond its commission-approved term by division (F) (2) 473
of this section shall remain the same unless changes are 474
authorized by the commission. 475

(G) (1) Not later than February 1, 2021, the commission 476
shall determine the cumulative energy savings collectively 477
achieved, since 2009, by all electric distribution utilities in 478
this state as of December 31, 2020. In determining that 479
cumulative total, the commission shall do both of the following: 480

(a) Include energy savings that were estimated by the 481
commission to be achieved as of December 31, 2020, and banked 482
under division (G) of section 4928.662 of the Revised Code; 483

(b) Use an energy savings baseline that is the average of 484
the total kilowatt hours sold by all electric distribution 485
utilities in this state in the calendar years 2018, 2019, and 486
2020. The baseline shall exclude the load and usage described in 487
division (A) (2) (a) (i), (ii), and (iii) of this section. That 488
baseline may also be reduced for new economic growth in the 489
utility's certified territory as provided in division (A) (2) (a) 490
of this section and adjusted and normalized as provided in 491
division (A) (2) (c) of this section. 492

(2) (a) If the cumulative energy savings collectively 493
achieved as determined by the commission under division (G) (1) 494
of this section is at least seventeen and one-half per cent of 495
the baseline described in division (G) (1) (b) of this section, 496
then full compliance with division (A) (1) (a) of this section 497
shall be deemed to have been achieved notwithstanding any 498
provision of this section to the contrary. 499

(b) If the cumulative energy savings collectively achieved 500
as determined by the commission under division (G) (1) of this 501
section is less than seventeen and one-half per cent of the 502
baseline described in division (G) (1) (b) of this section, then 503
both of the following shall apply: 504

(i) The commission shall determine the manner in which 505
further implementation of energy efficiency programs shall occur 506
as may be reasonably necessary for collective achievement of 507
cumulative energy savings equal to seventeen and one-half 508
~~percent~~per cent, and not more, of the baseline described in 509
division (G) (1) (b) of this section. 510

(ii) Full compliance with division (A) (1) (a) of this section shall be deemed to be achieved as of a date certain established by the commission notwithstanding any provision of this section to the contrary.

(3) Upon the date that full compliance with division (A) (1) (a) of this section is deemed achieved under division (G) (2) (a) or (b) of this section, any electric distribution utility cost recovery mechanisms authorized by the commission for compliance with this section shall terminate except as may be necessary to reconcile the difference between revenue collected and the allowable cost of compliance associated with compliance efforts occurring prior to December 31, 2021, for programs re-established under section 4928.661 of the Revised Code, and prior to the date upon which full compliance with division (A) (1) (a) of this section is deemed achieved, for all other compliance efforts. No such cost recovery mechanism shall be authorized by the commission beyond the period of time required to complete this final reconciliation.

Sec. 4928.661. (A) If an electric distribution utility had a portfolio plan that terminated on December 31, 2020, pursuant to division (F) of section 4928.66 of the Revised Code and included a program that benefited, and was limited to, low-income customers with an annual income at or below two hundred per cent of the federal poverty level, the utility shall re-establish the part of the portfolio plan that included the low-income program. The portfolio plan program re-established under this section shall include the same terms and conditions that the public utilities commission approved for the low-income program as it existed prior to the portfolio plan's termination, including the funding level originally allocated to the program.

(B) A portfolio plan program re-established under division 541
(A) of this section shall terminate on December 31, 2021. 542

(C) The commission shall issue an order requiring electric 543
distribution utilities to re-establish the portfolio plan 544
programs described in division (A) of this section and setting 545
forth the process for their re-establishment. The order shall 546
not authorize the implementation of any new cost recovery 547
mechanisms for these programs or extensions of any cost recovery 548
mechanisms that existed before the programs described in 549
division (A) of this section were re-established. 550

Section 2. That existing sections 3319.221, 4729.41, 551
4729.92, 4729.921, 4731.512, and 4928.66 of the Revised Code are 552
hereby repealed. 553

Section 3. That the version of section 4729.92 of the 554
Revised Code that is scheduled to take effect October 9, 2021, 555
be amended to read as follows: 556

Sec. 4729.92. (A) An applicant for registration as a 557
pharmacy technician trainee shall: 558

(1) ~~Comply~~ Except as provided in section 4729.921 of the 559
Revised Code, comply with divisions (A) (1) (a) and (b) of section 560
4729.90 of the Revised Code; 561

(2) Be enrolled in or plan to enroll in education and 562
training that will allow the applicant to meet the requirements 563
established by the state board of pharmacy in rules adopted 564
under section 4729.94 of the Revised Code; 565

(3) Comply with sections 4776.01 to 4776.04 of the Revised 566
Code. 567

(B) A pharmacist or pharmacy intern whose license has been 568

denied, revoked, suspended, or otherwise restricted by the board 569
shall not be registered as a pharmacy technician trainee. 570

Section 4. That the existing version of section 4729.92 of 571
the Revised Code that is scheduled to take effect October 9, 572
2021, is hereby repealed. 573

Section 5. Sections 3 and 4 of this act take effect 574
October 9, 2021. 575

Section 6. That Section 30 of H.B. 197 of the 133rd 576
General Assembly be amended to read as follows: 577

Sec. 30. (A) During the period ~~of beginning on the~~ 578
~~emergency declared by Executive Order 2020-01D, issued on March~~ 579
9, 2020, and ending on July 1, 2021, the requirement of division 580
(A) (2) (a) of section 4723.09 of the Revised Code is suspended. 581
Accordingly, during such period, the Board of Nursing shall 582
grant to an applicant described in division (A) of section 583
4723.09 of the Revised Code a temporary license to practice 584
nursing as a registered nurse or as a licensed practical nurse 585
if the conditions of divisions (A) (1) and (A) (2) (b) to (d) of 586
section 4723.09 of the Revised Code have been met and the 587
applicant is not ineligible as described in division (C) of this 588
section. 589

(B) A temporary license issued under this section ~~shall be~~ 590
is valid until whichever of the following dates occurs first: 591

~~(1) The date that is ninety days after December 1, 2020;~~ 592

~~(2) The date that is ninety days after the duration of the~~ 593
~~period of the emergency described in division (A) of this~~ 594
~~section~~ July 1, 2021. 595

(C) An individual is not eligible for a temporary license 596

issued under this section if any of the following is the case: 597

(1) The individual has previously taken and failed the examination for licensure to practice as a registered nurse or as a licensed practical nurse. 598
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(2) A criminal records check conducted in accordance with section 4723.091 of the Revised Code indicates that the individual has been convicted of, pleaded guilty to, or had a judicial finding of guilt for, any felony. 601
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(3) The individual has taken a drug test and failed that test, as determined by the Board. 605
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(4) The individual successfully completed an education program or course described in division (C) of section 4723.09 of the Revised Code more than two years before submitting an application subject to this section. 607
608
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(D) If, while holding a temporary license issued under this section, any of the following occurs, the licensee's temporary license is void and has no effect immediately beginning on the date of the occurrence: 611
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613
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(1) The licensee does not take the examination for licensure to practice as a registered nurse or as a licensed practical nurse on or before the date that occurs sixty days after the date the licensee received authorization to test. 615
616
617
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(2) The licensee fails the examination for licensure to practice as a registered nurse or as a licensed practical nurse. 619
620

(3) A criminal records check conducted in accordance with section 4723.091 of the Revised Code indicates that the licensee has been convicted of, pleaded guilty to, or had a judicial finding of guilt for, any felony. 621
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(4) The licensee fails a drug test, as determined by the 625
Board. 626

(E) Section 11 of H.B. 197 of the 133rd General Assembly, 627
as amended by H.B. 404 and H.B. 614 of the 133rd General 628
Assembly, does not apply to a license issued under this section. 629

Section 7. That existing Section 30 of H.B. 197 of the 630
133rd General Assembly is hereby repealed. 631

Section 8. Notwithstanding any provision of law to the 632
contrary, each educator preparation program approved under 633
section 3333.048 of the Revised Code shall develop and implement 634
a plan to provide its students with alternative experiences, 635
assignments, or instruction in the 2021-2022 academic year to 636
make up any hours or weeks of clinical experiences, including 637
field experiences, student teaching, and internship placements, 638
that the students miss due to any closure of schools or 639
implementation of limited hours because of COVID-19. The 640
alternative experiences, assignments, or instruction shall allow 641
students to demonstrate mastery of the expected outcomes of 642
clinical experiences. The alternative experiences, assignments, 643
or instruction may include virtual learning, designing lessons 644
and units of instruction, selecting and implementing 645
instructional strategies, teaching lessons and content, 646
assessing learning to evaluate student progress and inform 647
instructional decisions, creating a supportive learning 648
environment, managing the classroom effectively, and other 649
appropriate activities. The Department of Higher Education and 650
the Department of Education shall consider a student who 651
successfully completes make up hours or weeks in the 2021-2022 652
academic year using alternative experiences, assignments, or 653
instruction eligible for licensure and endorsement 654

recommendations in the same manner as a student who completes 655
clinical experiences. This section does not apply to a barber 656
school licensed under Chapter 4709. of the Revised Code or a 657
school of cosmetology licensed under Chapter 4713. of the 658
Revised Code. 659

Section 9. Section 4729.41 of the Revised Code is 660
presented in this act as a composite of the section as amended 661
by both H.B. 101 and H.B. 541 of the 132nd General Assembly. The 662
General Assembly, applying the principle stated in division (B) 663
of section 1.52 of the Revised Code that amendments are to be 664
harmonized if reasonably capable of simultaneous operation, 665
finds that the composite is the resulting version of the section 666
in effect prior to the effective date of the section as 667
presented in this act. 668

Section 10. This act is hereby declared to be an emergency 669
measure necessary for the immediate preservation of the public 670
peace, health, and safety. The reason for such necessity is to 671
take measures in response to the declared pandemic and global 672
health emergency related to COVID-19 and to re-establish 673
recently terminated energy efficiency programs in order to allow 674
low-income customers to benefit from energy efficiency savings 675
and to permit electric distribution utilities to reconcile costs 676
related to such programs. Therefore, this act shall go into 677
immediate effect. 678