

**As Passed by the Senate**

**134th General Assembly**

**Regular Session**

**2021-2022**

**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, Carruthers, Click, Crossman, Fraizer, Galonski, Gross, Hillyer, Hoops, Householder, Jarrells, Jones, Lanese, Lightbody, Lipps, Miller, A., O'Brien, Plummer, Ray, Schmidt, Sheehy, Sobecki, Stephens, Weinstein, White, Young, B., Speaker Cupp**

**Senators Roegner, Schaffer, Antonio, Blessing, Brenner, Cirino, Craig, Fedor, Gavarone, Hackett, Huffman, S., Kunze, Lang, Maharath, O'Brien, Peterson, Reineke, Rulli, Sykes, Thomas, Wilson, Yuko**

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**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 <del>pursuant to division (A)(1)</del>	194
<del>of this section;</del>	195
<del>(d) Provisions specifying any immunizations that may be</del>	196
<del>administered under division (A)(2)(b) of this section.</del>	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
<del>(3) Prior to adopting rules specifying any immunizations</del>	203
<del>that may be administered under division (A)(2)(b) of this</del>	204
<del>section, the state board of pharmacy shall consult with the</del>	205
<del>state medical board.</del>	206
<del>(F) In addition to the rules it adopts under division (E)</del>	207
<del>of this section, the state board of pharmacy may adopt rules</del>	208
<del>that change the immunizations authorized by division (A)(2)(a)</del>	209
<del>of this section to reflect changes in the recommendations of the</del>	210
<del>advisory committee on immunization practices. The rules shall be</del>	211
<del>adopted in accordance with Chapter 119. of the Revised Code.</del>	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  
599  
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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  
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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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(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  
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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  
622  
623  
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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