

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 167

Senators Dolan, Antonio

A BILL

To amend sections 1923.02, 2950.034, 5103.13, 1
5103.131, 5321.03, and 5321.051; to amend, for 2
the purpose of adopting a new section number as 3
indicated in parentheses, section 5103.132 4
(5103.6016); and to enact sections 5103.60, 5
5103.602, 5103.603, 5103.608, 5103.609, 6
5103.6010, 5103.6011, 5103.6012, 5103.6015, 7
5103.6017, 5103.6018, 5103.61, 5103.611, 8
5103.612, 5103.614, 5103.615, and 5103.617 of 9
the Revised Code regarding children's crisis 10
care facilities and residential infant care 11
centers. 12

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

Section 1. That sections 1923.02, 2950.034, 5103.13, 13
5103.131, 5321.03, and 5321.051 be amended; section 5103.132 14
(5103.6016) be amended for the purpose of adopting a new section 15
number as indicated in parentheses; and sections 5103.60, 16
5103.602, 5103.603, 5103.608, 5103.609, 5103.6010, 5103.6011, 17
5103.6012, 5103.6015, 5103.6017, 5103.6018, 5103.61, 5103.611, 18
5103.612, 5103.614, 5103.615, and 5103.617 of the Revised Code 19
be enacted to read as follows: 20

Sec. 1923.02. (A) Proceedings under this chapter may be	21
had as follows:	22
(1) Against tenants or manufactured home park residents	23
holding over their terms;	24
(2) Against tenants or manufactured home park residents in	25
possession under an oral tenancy, who are in default in the	26
payment of rent as provided in division (B) of this section;	27
(3) In sales of real estate, on executions, orders, or	28
other judicial process, when the judgment debtor was in	29
possession at the time of the rendition of the judgment or	30
decree, by virtue of which the sale was made;	31
(4) In sales by executors, administrators, or guardians,	32
and on partition, when any of the parties to the complaint were	33
in possession at the commencement of the action, after the	34
sales, so made on execution or otherwise, have been examined by	35
the proper court and adjudged legal;	36
(5) When the defendant is an occupier of lands or	37
tenements, without color of title, and the complainant has the	38
right of possession to them;	39
(6) In any other case of the unlawful and forcible	40
detention of lands or tenements. For purposes of this division,	41
in addition to any other type of unlawful and forcible detention	42
of lands or tenements, such a detention may be determined to	43
exist when both of the following apply:	44
(a) A tenant fails to vacate residential premises within	45
three days after both of the following occur:	46
(i) The tenant's landlord has actual knowledge of or has	47
reasonable cause to believe that the tenant, any person in the	48

tenant's household, or any person on the premises with the 49
consent of the tenant previously has or presently is engaged in 50
a violation of Chapter 2925. or 3719. of the Revised Code, or of 51
a municipal ordinance that is substantially similar to any 52
section in either of those chapters, which involves a controlled 53
substance and which occurred in, is occurring in, or otherwise 54
was or is connected with the premises, whether or not the tenant 55
or other person has been charged with, has pleaded guilty to or 56
been convicted of, or has been determined to be a delinquent 57
child for an act that, if committed by an adult, would be a 58
violation as described in this division. For purposes of this 59
division, a landlord has "actual knowledge of or has reasonable 60
cause to believe" that a tenant, any person in the tenant's 61
household, or any person on the premises with the consent of the 62
tenant previously has or presently is engaged in a violation as 63
described in this division if a search warrant was issued 64
pursuant to Criminal Rule 41 or Chapter 2933. of the Revised 65
Code; the affidavit presented to obtain the warrant named or 66
described the tenant or person as the individual to be searched 67
and particularly described the tenant's premises as the place to 68
be searched, named or described one or more controlled 69
substances to be searched for and seized, stated substantially 70
the offense under Chapter 2925. or 3719. of the Revised Code or 71
the substantially similar municipal ordinance that occurred in, 72
is occurring in, or otherwise was or is connected with the 73
tenant's premises, and states the factual basis for the 74
affiant's belief that the controlled substances are located on 75
the tenant's premises; the warrant was properly executed by a 76
law enforcement officer and any controlled substance described 77
in the affidavit was found by that officer during the search and 78
seizure; and, subsequent to the search and seizure, the landlord 79
was informed by that or another law enforcement officer of the 80

fact that the tenant or person has or presently is engaged in a 81
violation as described in this division and it occurred in, is 82
occurring in, or otherwise was or is connected with the tenant's 83
premises. 84

(ii) The landlord gives the tenant the notice required by 85
division (C) of section 5321.17 of the Revised Code. 86

(b) The court determines, by a preponderance of the 87
evidence, that the tenant, any person in the tenant's household, 88
or any person on the premises with the consent of the tenant 89
previously has or presently is engaged in a violation as 90
described in division (A) (6) (a) (i) of this section. 91

(7) In cases arising out of Chapter 5313. of the Revised 92
Code. In those cases, the court has the authority to declare a 93
forfeiture of the vendee's rights under a land installment 94
contract and to grant any other claims arising out of the 95
contract. 96

(8) Against tenants who have breached an obligation that 97
is imposed by section 5321.05 of the Revised Code, other than 98
the obligation specified in division (A) (9) of that section, and 99
that materially affects health and safety. Prior to the 100
commencement of an action under this division, notice shall be 101
given to the tenant and compliance secured with section 5321.11 102
of the Revised Code. 103

(9) Against tenants who have breached an obligation 104
imposed upon them by a written rental agreement; 105

(10) Against manufactured home park residents who have 106
defaulted in the payment of rent or breached the terms of a 107
rental agreement with a park operator. Nothing in this division 108
precludes the commencement of an action under division (A) (12) 109

of this section when the additional circumstances described in 110
that division apply. 111

(11) Against manufactured home park residents who have 112
committed two material violations of the rules of the 113
manufactured home park, of the division of industrial compliance 114
of the department of commerce, or of applicable state and local 115
health and safety codes and who have been notified of the 116
violations in compliance with section 4781.45 of the Revised 117
Code; 118

(12) Against a manufactured home park resident, or the 119
estate of a manufactured home park resident, who as a result of 120
death or otherwise has been absent from the manufactured home 121
park for a period of thirty consecutive days prior to the 122
commencement of an action under this division and whose 123
manufactured home or mobile home, or recreational vehicle that 124
is parked in the manufactured home park, has been left 125
unoccupied for that thirty-day period, without notice to the 126
park operator and without payment of rent due under the rental 127
agreement with the park operator; 128

(13) Against occupants of self-service storage facilities, 129
as defined in division (A) of section 5322.01 of the Revised 130
Code, who have breached the terms of a rental agreement or 131
violated section 5322.04 of the Revised Code; 132

(14) Against any resident or occupant who, pursuant to a 133
rental agreement, resides in or occupies residential premises 134
located within one thousand feet of any school premises ~~or,~~ 135
preschool or child day-care center premises, children's crisis 136
care facility premises, or residential infant care center 137
premises and to whom both of the following apply: 138

(a) The resident's or occupant's name appears on the state registry of sex offenders and child-victim offenders maintained under section 2950.13 of the Revised Code.

(b) The state registry of sex offenders and child-victim offenders indicates that the resident or occupant was convicted of or pleaded guilty to a sexually oriented offense or a child-victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that offense.

(15) Against any tenant who permits any person to occupy residential premises located within one thousand feet of any school premises ~~or~~, preschool or child day-care center premises, children's crisis care facility premises, or residential infant care center premises if both of the following apply to the person:

(a) The person's name appears on the state registry of sex offenders and child-victim offenders maintained under section 2950.13 of the Revised Code.

(b) The state registry of sex offenders and child-victim offenders indicates that the person was convicted of or pleaded guilty to a sexually oriented offense or a child-victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that offense.

(B) If a tenant or manufactured home park resident holding under an oral tenancy is in default in the payment of rent, the tenant or resident forfeits the right of occupancy, and the landlord may, at the landlord's option, terminate the tenancy by notifying the tenant or resident, as provided in section 1923.04

of the Revised Code, to leave the premises, for the restitution 168
of which an action may then be brought under this chapter. 169

(C) (1) If a tenant or any other person with the tenant's 170
permission resides in or occupies residential premises that are 171
located within one thousand feet of any school premises, 172
children's crisis care facility premises, or residential infant 173
care center premises and is a resident or occupant of the type 174
described in division (A) (14) of this section or a person of the 175
type described in division (A) (15) of this section, the landlord 176
for those residential premises, upon discovery that the tenant 177
or other person is a resident, occupant, or person of that 178
nature, may terminate the rental agreement or tenancy for those 179
residential premises by notifying the tenant and all other 180
occupants, as provided in section 1923.04 of the Revised Code, 181
to leave the premises. 182

(2) If a landlord is authorized to terminate a rental 183
agreement or tenancy pursuant to division (C) (1) of this section 184
but does not so terminate the rental agreement or tenancy, the 185
landlord is not liable in a tort or other civil action in 186
damages for any injury, death, or loss to person or property 187
that allegedly result from that decision. 188

(D) This chapter does not apply to a student tenant as 189
defined by division (H) of section 5321.01 of the Revised Code 190
when the college or university proceeds to terminate a rental 191
agreement pursuant to section 5321.031 of the Revised Code. 192

(E) As used in this section, "children's crisis care 193
facility premises" and "residential infant care center premises" 194
have the same meanings as in section 2950.034 of the Revised 195
Code. 196

Sec. 2950.034. (A) No person who has been convicted of, is 197
convicted of, has pleaded guilty to, or pleads guilty to a 198
sexually oriented offense or a child-victim oriented offense 199
shall establish a residence or occupy residential premises 200
within one thousand feet of any school premises ~~or,~~ preschool or 201
child day-care center premises, children's crisis care facility 202
premises, or residential infant care center premises. 203

(B) If a person to whom division (A) of this section 204
applies violates division (A) of this section by establishing a 205
residence or occupying residential premises within one thousand 206
feet of any school premises ~~or,~~ preschool or child day-care 207
center premises, children's crisis care facility premises, or 208
residential infant care center premises, an owner or lessee of 209
real property that is located within one thousand feet of those 210
school premises ~~or,~~ preschool or child day-care center premises, 211
children's crisis care facility premises, or residential infant 212
care center premises, or the prosecuting attorney, village 213
solicitor, city or township director of law, similar chief legal 214
officer of a municipal corporation or township, or official 215
designated as a prosecutor in a municipal corporation that has 216
jurisdiction over the place at which the person establishes the 217
residence or occupies the residential premises in question, has 218
a cause of action for injunctive relief against the person. The 219
plaintiff shall not be required to prove irreparable harm in 220
order to obtain the relief. 221

(C) As used in this section: 222

(1) "Child day-care center" has the same meaning as in 223
section 5104.01 of the Revised Code. 224

(2) "Children's crisis care facility" has the same meaning 225
as in section 5103.13 of the Revised Code. 226

<u>(3) "Children's crisis care facility premises" means both</u>	227
<u>of the following:</u>	228
<u>(a) The parcel of real property on which any children's</u>	229
<u>crisis care facility is situated;</u>	230
<u>(b) Any grounds, play areas, and other facilities of a</u>	231
<u>children's crisis care facility that are regularly used by the</u>	232
<u>children served by the facility.</u>	233
<u>(4) "Preschool" means any public or private institution or</u>	234
center that provides early childhood instructional or	235
educational services to children who are at least three years of	236
age but less than six years of age and who are not enrolled in	237
or are not eligible to be enrolled in kindergarten, whether or	238
not those services are provided in a child day-care setting.	239
"Preschool" does not include any place that is the permanent	240
residence of the person who is providing the early childhood	241
instructional or educational services to the children described	242
in this division.	243
(3) <u>(5) "Preschool or child day-care center premises"</u>	244
means all of the following:	245
(a) Any building in which any preschool or child day-care	246
center activities are conducted if the building has signage that	247
indicates that the building houses a preschool or child day-care	248
center, is clearly visible and discernable without obstruction,	249
and meets any local zoning ordinances which may apply;	250
(b) The parcel of real property on which a preschool or	251
child day-care center is situated if the parcel of real property	252
has signage that indicates that a preschool or child day-care	253
center is situated on the parcel, is clearly visible and	254
discernable without obstruction, and meets any local zoning	255

ordinances which may apply;	256
(c) Any grounds, play areas, and other facilities of a preschool or child day-care center that are regularly used by the children served by the preschool or child day-care center if the grounds, play areas, or other facilities have signage that indicates that they are regularly used by children served by the preschool or child day-care center, is clearly visible and discernable without obstruction, and meets any local zoning ordinances which may apply.	257 258 259 260 261 262 263 264
<u>(6) "Residential infant care center" has the same meaning as in section 5103.60 of the Revised Code.</u>	265 266
<u>(7) "Residential infant care center premises" means both of the following:</u>	267 268
<u>(a) The parcel of real property on which any residential infant care center is situated;</u>	269 270
<u>(b) Any grounds, play areas, and other facilities of a residential infant care center that are regularly used by the children served by the center.</u>	271 272 273
Sec. 5103.13. (A) As used in this section and section 5103.131 of the Revised Code:	274 275
(1) (a) "Children's crisis care facility" means a facility that has as its primary purpose the provision of residential and other care to either or both of the following:	276 277 278
(i) One or more preteens voluntarily placed in the facility by the preteen's parent or other caretaker who is facing a crisis that causes the parent or other caretaker to seek temporary care for the preteen and referral for support services;	279 280 281 282 283

(ii) One or more preteens placed in the facility by a 284
public children services agency or private child placing agency 285
that has legal custody or permanent custody of the preteen and 286
determines that an emergency situation exists necessitating the 287
preteen's placement in the facility rather than an institution 288
certified under section 5103.03 of the Revised Code or 289
elsewhere. 290

(b) "Children's crisis care facility" does not include 291
~~either any~~ of the following: 292

(i) Any organization, society, association, school, 293
agency, child guidance center, detention or rehabilitation 294
facility, or children's clinic licensed, regulated, approved, 295
operated under the direction of, or otherwise certified by the 296
department of education, a local board of education, the 297
department of youth services, the department of mental health 298
and addiction services, or the department of developmental 299
disabilities; 300

(ii) Any individual who provides care for only a single- 301
family group, placed there by their parents or other relative 302
having custody; 303

(iii) Any residential infant care center, as an entity 304
deemed a residential infant care center under section 5103.602 305
of the Revised Code shall no longer be licensed as a children's 306
crisis care center. 307

(2) "Legal custody" and "permanent custody" have the same 308
meanings as in section 2151.011 of the Revised Code. 309

(3) "Pediatric medical service" means medical service 310
required to be provided by, or with oversight from, a licensed 311
medical professional, including prescribing medication, 312

administering rectal or intravenous medication, and outpatient 313
laboratory service, and providing for sick visits, on-site well 314
child exams, and children assisted by medical technology. 315

(4) "Preteen" means an individual under thirteen years of 316
age. 317

(B) No person shall operate a children's crisis care 318
facility or hold a children's crisis care facility out as a 319
certified children's crisis care facility unless there is a 320
valid children's crisis care facility certificate issued under 321
this section for the facility. 322

(C) (1) A person seeking to operate a children's crisis 323
care facility shall apply to the director of job and family 324
services to obtain a certificate for the facility. 325

(2) (a) The director shall certify the person's children's 326
crisis care facility if the facility meets all of the 327
certification standards established in rules adopted under 328
division ~~(F)~~ (H) of this section and the person complies with 329
all of the rules governing the certification of children's 330
crisis care facilities adopted under that division. The issuance 331
of a children's crisis care facility certificate does not exempt 332
the facility from a requirement to obtain another certificate or 333
license mandated by law. 334

(b) The director shall not issue a waiver to a person for 335
compliance with any of the requirements imposed under this 336
section or any of the rules adopted under division (H) of this 337
section. 338

(D) ~~(1)~~ No certified children's crisis care facility shall 339
do any of the following: 340

~~(a)~~ (1) Provide residential care to a preteen for more 341

than one hundred twenty days in a calendar year; 342

~~(b) Subject to division (D) (1) (c) of this section and 343
except as provided in division (D) (2) of this section, provide 344
(2) Provide residential care to a preteen for more than ~~sixty-~~ 345
ninety consecutive days, which shall include the aggregate of 346
days spent at different facility locations if a preteen is 347
transferred in accordance with division (E) (4) of this section; 348~~

~~(e) (3) Provide residential care to a preteen for more 349
than fourteen consecutive days if a public children services 350
agency or private child placing agency placed the preteen in the 351
facility; 352~~

~~(d) (4) Fail to comply with section 2151.86 of the Revised 353
Code. 354~~

~~(2) A certified children's crisis care facility may 355
provide residential care to a preteen for up to ninety 356
consecutive days, other than a preteen placed in the facility by 357
a public children services agency or private child placing 358
agency, if any of the following are the case: 359~~

~~(a) The preteen's parent or other caretaker is enrolled in 360
an alcohol and drug addiction service or a community mental 361
health service certified under section 5119.36 of the Revised 362
Code; 363~~

~~(b) The preteen's parent or other caretaker is an 364
inpatient in a hospital; 365~~

~~(c) The preteen's parent or other caretaker is 366
incarcerated; 367~~

~~(d) A physician has diagnosed the preteen's parent or 368
other caretaker as medically incapacitated. 369~~

(E) A certified children's crisis care facility shall do 370
the following: 371

(1) Employ a licensed social worker, a licensed 372
independent social worker, a licensed professional counselor, or 373
a licensed professional clinical counselor; 374

(2) Require, if pediatric medical service is provided at 375
the facility, the following for the provision of pediatric 376
medical service: 377

(a) Medical service to be provided by a qualified, 378
licensed, and insured medical professional; 379

(b) All staff, volunteers, and interns to comply with the 380
privacy requirements of the "Health Insurance Portability and 381
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 382
2021, 42 U.S.C. 1320d et seq., as amended; 383

(c) If a preteen is admitted by the preteen's parent or 384
caretaker and if the preteen requires ongoing medical care 385
following discharge from the facility, a medical professional or 386
licensed social worker to make the medical professional's or 387
social worker's best effort to ensure the parent or caretaker is 388
competent to provide the ongoing care; 389

(d) The facility to have a dedicated and private enclosed 390
space for the purpose of a medical professional to receive and 391
treat patients and that contains a sink or tub, medical exam 392
table, medical record system, and pediatric medical equipment. 393

(3) Require, if a preteen is admitted by the preteen's 394
parent or caretaker, the facility's licensed social worker, 395
licensed independent social worker, licensed professional 396
counselor, or licensed professional clinical counselor to make 397
their best efforts to ensure the parent or caretaker is 398

<u>competent in the basic parenting skills needed to care for the</u>	399
<u>preteen;</u>	400
<u>(4) Require only a transfer summary for the transfer of a</u>	401
<u>preteen from one certified children's crisis care facility</u>	402
<u>location to another, if the facility has more than one location;</u>	403
<u>(5) Require the facility to have a dedicated and private</u>	404
<u>enclosed space for the purpose of completing required admission</u>	405
<u>paperwork and medical forms;</u>	406
<u>(6) Require the facility to develop a visitation plan,</u>	407
<u>which shall occur during awake hours and not include overnight</u>	408
<u>visits, for the parent or caretaker with the parent's or</u>	409
<u>caretaker's preteen while residential care is being provided.</u>	410
<u>(F) A certified children's crisis care facility may do the</u>	411
<u>following:</u>	412
<u>(1) Count administrative staff, interns, and volunteers</u>	413
<u>toward required child staff ratios in an emergency situation for</u>	414
<u>up to three hours if the administrative staff, interns, or</u>	415
<u>volunteers meet the following requirements:</u>	416
<u>(a) Completed training in the mission of the children's</u>	417
<u>crisis care facility;</u>	418
<u>(b) Completed training pursuant to rule 5101:2-9-03 of the</u>	419
<u>Administrative Code;</u>	420
<u>(c) Are supervised by facility staff.</u>	421
<u>(2) Use volunteers and contracted transportation</u>	422
<u>providers, on whom criminal records checks have been conducted</u>	423
<u>in accordance with section 2151.86 of the Revised Code, to</u>	424
<u>transport preteens, if such use is necessary for the facility to</u>	425
<u>maintain required child staff ratios.</u>	426

(G) The director of job and family services may suspend or 427
revoke a children's crisis care facility's certificate pursuant 428
to Chapter 119. of the Revised Code if the facility violates 429
~~division (D) of~~ or fails to comply with any of the requirements 430
under this section or ceases to meet any of the certification 431
standards established in rules adopted under division ~~(F)~~ (H) of 432
this section or the facility's operator ceases to comply with 433
any of the rules governing the certification of children's 434
crisis care facilities adopted under that division. 435

~~(F)~~ (H) Not later than ninety days after September 21, 436
2006, the director of job and family services shall adopt rules 437
pursuant to Chapter 119. of the Revised Code for the 438
certification of children's crisis care facilities. The rules 439
shall specify that a certificate shall not be issued to an 440
applicant if the conditions at the children's crisis care 441
facility would jeopardize the health or safety of the preteens 442
placed in the facility. 443

Sec. 5103.131. The department of job and family services 444
may apply to the United States secretary of health and human 445
services for a federal grant under the "Child Abuse Prevention 446
and Treatment Act," 42 U.S.C. 5116, and the "Family First 447
Prevention Services Act," 42 U.S.C. 50711, 50723, and 50741, to 448
assist children's crisis care facilities certified under section 449
5103.13 of the Revised Code in providing temporary residential 450
and other care to preteens. 451

Sec. 5103.60. As used in sections 5103.602 to 5103.6018 of 452
the Revised Code: 453

(A) "Infant" means a child who is less than one year of 454
age. 455

(B) "Residential infant care center" means a facility that 456
has as its primary purpose the provision of residential services 457
for infants affected by addiction and the preservation of 458
families through infant foster care diversion practices and 459
programs. 460

Sec. 5103.602. (A) A person seeking to operate a 461
residential infant care center after the effective date of this 462
section shall apply to the director of job and family services 463
to obtain a certificate for the facility. 464

(B) A person who, on the effective date of this section, 465
is operating a children's crisis care facility that has as its 466
primary purpose the provision of residential services for 467
infants affected by addiction and the preservation of families 468
through infant foster care diversion practices and programs 469
shall be deemed a residential infant care center by the director 470
if the center is in compliance with the requirements and rules 471
described under division (B) of section 5103.603 of the Revised 472
Code. 473

Sec. 5103.603. The director of job and family services 474
shall issue a certificate to a person to operate a residential 475
infant care center as follows: 476

(A) Pursuant to division (A) of section 5103.602 of the 477
Revised Code if the center complies with all of the requirements 478
under sections 5103.608 to 5103.6012 of the Revised Code and, if 479
applicable, all of the rules adopted under section 5103.6018 of 480
the Revised Code; 481

(B) (1) Pursuant to division (B) of section 5103.602 of the 482
Revised Code if the center is in compliance with all of the 483
requirements under sections 5103.608 to 5103.6012 of the Revised 484

Code and rules adopted under division (H) of section 5103.13 of 485
the Revised Code, except the rules described in division (B) of 486
section 5103.6011 of the Revised Code, on the effective date of 487
this section. 488

(2) If the director of job and family services adopts 489
rules under section 5103.6018 of the Revised Code, a center 490
issued a certificate under division (B)(1) of this section shall 491
comply with those rules rather than the rules adopted under 492
division (H) of section 5103.13 of the Revised Code. 493

Sec. 5103.608. An infant is eligible to be placed in a 494
residential infant care center if one of the following applies: 495

(A) The infant was born drug exposed and requires 496
additional care. 497

(B) The infant's parent or caretaker requires additional 498
education and support services regarding care for the infant. 499

(C) A public children services agency or private child 500
placing agency requires additional time to determine placement 501
of the infant. 502

Sec. 5103.609. (A) A residential infant care center may 503
provide residential care for up to ninety consecutive days to an 504
infant placed by any of the following with legal custody of the 505
infant: 506

(1) A parent, guardian, or legal custodian; 507

(2) A public children services agency; 508

(3) A private child placing agency. 509

(B) As used in this section, "legal custody" has the same 510
meaning as in section 2151.011 of the Revised Code. 511

Sec. 5103.6010. A residential infant care center shall do 512
the following: 513

(A) If using medication to treat infants, hold a terminal 514
distributor of dangerous drugs license issued by the state board 515
of pharmacy under section 4729.54 of the Revised Code. 516

(B) Comply, except as otherwise provided in this section 517
and section 5103.6011 of the Revised Code, with all requirements 518
under rule 5101:2-9-02 of the Administrative Code; 519

(C) Develop a plan of safe care in accordance with the 520
"Comprehensive Addiction and Recovery Act of 2016," Pub. L. No. 521
114-198, for an infant born drug exposed as follows: 522

(1) Assist with the health and substance use disorder 523
treatment needs of the infant and affected family or caregiver; 524

(2) Develop and implement a program to monitor, support, 525
and connect affected families or caregivers through the 526
provision of and referral to appropriate services for the infant 527
and affected family or caregiver. 528

(D) Develop and implement a program for parents and 529
caregivers that, either individually or in a group setting, does 530
both of the following: 531

(1) Teaches parenting skills, bonding, and caring for the 532
infant's special needs; 533

(2) Allows for the program to be completed prior to the 534
infant's discharge. 535

(E) Require both of the following: 536

(1) Child-care staff, volunteers, and interns in positions 537
responsible for the daily direct care or supervision of children 538

<u>to be at least eighteen years old and have a high school diploma</u>	539
<u>or certificate of high school equivalence;</u>	540
<u>(2) Volunteers and interns who are under twenty-one years</u>	541
<u>of age to be supervised.</u>	542
<u>(F) Request a criminal records check with respect to</u>	543
<u>volunteers and interns in accordance with section 2151.86 of the</u>	544
<u>Revised Code;</u>	545
<u>(G) Employ registered nurses, patient care assistants, or</u>	546
<u>licensed professional nurses to meet required child-to-staff</u>	547
<u>ratios;</u>	548
<u>(H) Require the center's licensed social worker, licensed</u>	549
<u>independent social worker, licensed professional counselor, or</u>	550
<u>licensed professional clinical counselor to do the following:</u>	551
<u>(1) Provide wraparound services to affected family and</u>	552
<u>caregivers;</u>	553
<u>(2) Coordinate and cooperate with any transferring</u>	554
<u>hospital, public children services agency, and private child</u>	555
<u>placing agency;</u>	556
<u>(3) Refer affected families or caregivers to appropriate</u>	557
<u>community agencies and services for support and aftercare;</u>	558
<u>(4) Follow up with affected families and caregivers</u>	559
<u>following the infant's discharge.</u>	560
<u>(I) (1) Encourage employee-supervised dyad care and permit</u>	561
<u>one of the infant's parents or caregivers to room-in with the</u>	562
<u>infant for bonding and education;</u>	563
<u>(2) Provide the following for dyad care and rooming-in:</u>	564
<u>(a) A single bed and all necessary bed sheets, pillow</u>	565

<u>cases, pillows, and blankets;</u>	566
<u>(b) All meals and snacks, which shall be provided in a</u>	567
<u>designated family kitchen area if the center has such an area;</u>	568
<u>(c) A minimum of one private shower and toilet for the use</u>	569
<u>of the parents or caregivers who are rooming-in.</u>	570
<u>(3) Notify the parent or caregiver that the center's rules</u>	571
<u>and policies shall be followed or rooming-in may be restricted</u>	572
<u>or canceled.</u>	573
<u>(J) Have one bathing room for every six infants that</u>	574
<u>includes a minimum of one hip level bathtub with hot and cold</u>	575
<u>water, one changing station, and a door with a full-length glass</u>	576
<u>window for safety and observation;</u>	577
<u>(K) Meet the child-to-staff ratio of at least one awake</u>	578
<u>child-care staff on duty at all times for every one to five</u>	579
<u>infants;</u>	580
<u>(L) Use cribs and other infant sleep products that meet</u>	581
<u>the United States consumer product safety commission's safety</u>	582
<u>standards for safe sleep;</u>	583
<u>(M) Follow the department of health's safe sleep education</u>	584
<u>program recommendations established under section 3701.66 of the</u>	585
<u>Revised Code.</u>	586
<u>Sec. 5103.6011. A residential infant care center shall not</u>	587
<u>be required to do the following:</u>	588
<u>(A) Provide toilets or potty chairs for infants.</u>	589
<u>(B) Comply with the following rules:</u>	590
<u>(1) Division (E) of rule 5101:2-5-09 of the Administrative</u>	591
<u>Code.</u>	592

<u>(2) Divisions (N) and (P) to (R) of rule 5101:2-9-03 of</u>	593
<u>the Administrative Code.</u>	594
<u>(3) Rule 5101:2-9-19 of the Administrative Code.</u>	595
<u>(4) Divisions (A) to (H) of rule 5101:2-9-20 of the</u>	596
<u>Administrative Code.</u>	597
<u>(5) Rules 5101:2-9-21 and 5101:2-9-22 of the</u>	598
<u>Administrative Code.</u>	599
<u>(6) Divisions (D) to (F) of rule 5101:2-9-26 of the</u>	600
<u>Administrative Code.</u>	601
<u>(7) Divisions (B), (D), (F), (G), (J), (K), (M) to (Q),</u>	602
<u>and (S) of rule 5101:2-9-28 of the Administrative Code.</u>	603
<u>(8) Rules 5101:2-9-29, 5101:2-9-38, and 5101:2-9-40 of the</u>	604
<u>Administrative Code.</u>	605
<u>(C) Require registered nurses and licensed professional</u>	606
<u>nurses employed by the center to comply with the requirements</u>	607
<u>under division (M) (3) of rule 5101:2-9-02 and divisions (J) to</u>	608
<u>(L) of rule 5101:2-9-03 of the Administrative Code.</u>	609
<u>Sec. 5103.6012.</u> <u>A residential infant care center shall not</u>	610
<u>count volunteers or interns to meet child-to-staff ratios,</u>	611
<u>except for in emergency situations, including an extremely ill</u>	612
<u>staff member.</u>	613
<u>Sec. 5103.6015.</u> <u>The department of job and family services</u>	614
<u>may apply to the United States secretary of health and human</u>	615
<u>services for a federal grant under the "Child Abuse Prevention</u>	616
<u>and Treatment Act," 42 U.S.C. 5116, and the "Family First</u>	617
<u>Prevention Services Act," 42 U.S.C. 50711, 50723, and 50741 to</u>	618
<u>assist residential infant care centers certified under section</u>	619
<u>5103.603 of the Revised Code in providing temporary residential</u>	620

and other care to infants. 621

Sec. ~~5103.132~~ 5103.6016. (A) As used in this section, 622
"firearm" has the same meaning as in section 2923.11 of the 623
Revised Code. 624

(B) ~~A children's crisis care facility that has as its~~ 625
~~primary purpose the provision of residential and other care to~~ 626
~~infants who are born drug exposed and residential infant care~~ 627
center that regularly maintains on its premises schedule II 628
controlled substances, as defined in section 3719.01 of the 629
Revised Code, may do both of the following: 630

(1) Maintain firearms at the facility; 631

(2) Permit security personnel to bear firearms while on 632
the grounds of the facility. 633

Sec. 5103.6017. The director of job and family services 634
may suspend or revoke a residential infant care center's 635
certificate pursuant to Chapter 119. of the Revised Code if the 636
center violates or fails to comply with any of the requirements 637
under sections 5103.608 to 5103.6012 of the Revised Code and, as 638
applicable, the rules adopted under section 5103.6018 of the 639
Revised Code or division (H) of section 5103.13 of the Revised 640
Code. 641

Sec. 5103.6018. The director of job and family services 642
shall adopt rules pursuant to Chapter 119. of the Revised Code 643
for the certification of residential infant care centers. 644

Sec. 5103.61. As used in sections 5103.61 to 5103.617 of 645
the Revised Code, "family preservation center" means a certified 646
children's crisis care facility or residential infant care 647
center that has as its primary purpose the preservation of 648
families through preteen foster care diversion practices and 649

programs. 650

Sec. 5103.611. A person who holds an active license to 651
operate a children's crisis care facility under section 5103.13 652
of the Revised Code or a residential infant care center under 653
section 5103.602 of the Revised Code may apply to the director 654
of job and family services to obtain a certificate as a family 655
preservation center under this section. 656

Sec. 5103.612. (A) The director of job and family services 657
shall certify the person's family preservation center if the 658
center complies with all of the requirements imposed under 659
section 5103.614 of the Revised Code and all of the rules 660
adopted under section 5103.617 of the Revised Code. 661

(B) The director shall not issue a waiver to a person of 662
compliance with any of the requirements imposed under this 663
section or any of the rules adopted under section 5103.617 of 664
the Revised Code. 665

Sec. 5103.614. A certified family preservation center 666
shall do the following: 667

(A) Obtain and maintain accreditation under the commission 668
on accreditation of rehabilitation facilities, the joint 669
commission on accreditation of healthcare organizations, or the 670
council on accreditation for children and family services; 671

(B) Obtain and maintain certification by the Ohio 672
department of mental health and addiction services; 673

(C) Provide family preservation programs informed by 674
evidence-based or promising practices, including all of the 675
following: 676

(1) Family case management; 677

<u>(2) Service referral and linkage;</u>	678
<u>(3) Parent education;</u>	679
<u>(4) Trauma screening and healing-centered interventions.</u>	680
<u>Sec. 5103.615. The director of job and family services may</u>	681
<u>suspend or revoke a family preservation center's certificate</u>	682
<u>pursuant to Chapter 119. of the Revised Code if the center</u>	683
<u>violates or fails to comply with section 5103.614 of the Revised</u>	684
<u>Code or any of the rules adopted under section 5103.617 of the</u>	685
<u>Revised Code.</u>	686
<u>Sec. 5103.617. Not later than ninety days after the</u>	687
<u>effective date of this section, the director of job and family</u>	688
<u>services shall adopt rules pursuant to Chapter 119. of the</u>	689
<u>Revised Code for the certification of family preservation</u>	690
<u>centers.</u>	691
<u>Sec. 5321.03. (A) Notwithstanding section 5321.02 of the</u>	692
<u>Revised Code, a landlord may bring an action under Chapter 1923.</u>	693
<u>of the Revised Code for possession of the premises if:</u>	694
<u>(1) The tenant is in default in the payment of rent;</u>	695
<u>(2) The violation of the applicable building, housing,</u>	696
<u>health, or safety code that the tenant complained of was</u>	697
<u>primarily caused by any act or lack of reasonable care by the</u>	698
<u>tenant, or by any other person in the tenant's household, or by</u>	699
<u>anyone on the premises with the consent of the tenant;</u>	700
<u>(3) Compliance with the applicable building, housing,</u>	701
<u>health, or safety code would require alteration, remodeling, or</u>	702
<u>demolition of the premises which would effectively deprive the</u>	703
<u>tenant of the use of the dwelling unit;</u>	704
<u>(4) A tenant is holding over the tenant's term.</u>	705

(5) The residential premises are located within one 706
thousand feet of any school premises ~~or, preschool~~ or child day- 707
care center premises, children's crisis care facility premises, 708
or residential infant care center premises, and both of the 709
following apply regarding the tenant or other occupant who 710
resides in or occupies the premises: 711

(a) The tenant's or other occupant's name appears on the 712
state registry of sex offenders and child-victim offenders 713
maintained under section 2950.13 of the Revised Code. 714

(b) The state registry of sex offenders and child-victim 715
offenders indicates that the tenant or other occupant was 716
convicted of or pleaded guilty to a sexually oriented offense or 717
a child-victim oriented offense in a criminal prosecution and 718
was not sentenced to a serious youthful offender dispositional 719
sentence for that offense. 720

(B) The maintenance of an action by the landlord under 721
this section does not prevent the tenant from recovering damages 722
for any violation by the landlord of the rental agreement or of 723
section 5321.04 of the Revised Code. 724

(C) This section does not apply to a dwelling unit 725
occupied by a student tenant. 726

(D) As used in this section, "children's crisis care 727
facility premises" and "residential infant care center premises" 728
have the same meanings as in section 2950.034 of the Revised 729
Code. 730

Sec. 5321.051. (A) (1) No tenant of any residential 731
premises located within one thousand feet of any school premises 732
 ~~or, preschool~~ or child day-care center premises, children's 733
crisis care facility premises, or residential infant care center 734

premises shall allow any person to occupy those residential 735
premises if both of the following apply regarding the person: 736

(a) The person's name appears on the state registry of sex 737
offenders and child-victim offenders maintained under section 738
2950.13 of the Revised Code. 739

(b) The state registry of sex offenders and child-victim 740
offenders indicates that the person was convicted of or pleaded 741
guilty to either a sexually oriented offense that is not a 742
registration-exempt sexually oriented offense or a child-victim 743
oriented offense in a criminal prosecution and was not sentenced 744
to a serious youthful offender dispositional sentence for that 745
offense. 746

(2) If a tenant allows occupancy in violation of this 747
section or a person establishes a residence or occupies 748
residential premises in violation of section 2950.034 of the 749
Revised Code, the landlord for the residential premises that are 750
the subject of the rental agreement or other tenancy may 751
terminate the rental agreement or other tenancy of the tenant 752
and all other occupants. 753

(B) If a landlord is authorized to terminate a rental 754
agreement or other tenancy pursuant to division (A) of this 755
section but does not so terminate the rental agreement or other 756
tenancy, the landlord is not liable in a tort or other civil 757
action in damages for any injury, death, or loss to person or 758
property that allegedly results from that decision. 759

(C) As used in this section, "children's crisis care 760
facility premises" and "residential infant care center premises" 761
have the same meanings as in section 2950.034 of the Revised 762
Code. 763

Section 2. That existing sections 1923.02, 2950.034,	764
5103.13, 5103.131, 5103.132, 5321.03, and 5321.051 of the	765
Revised Code are hereby repealed.	766